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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

ITALY

Communicated by the Government of Italy

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

DECREE No. 309 OF 9 OCTOBER 1990

CONSOLIDATION OF THE LAWS GOVERNING DRUGS AND PSYCHOTROPIC SUBSTANCES, THE PREVENTION, TREATMENT AND REHABILITATION OF DRUG ADDICTS

DECREE OF THE PRESIDENT OF THE REPUBLIC No. 309 of 9 OCTOBER 1990

Consolidation of the laws governing drugs and psychotropic substances, the prevention, treatment and rehabilitation of drug addicts

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DECREE OF THE PRESIDENT OF THE REPUBLIC
No. 309 of 9 OCTOBER 1990

Consolidation of the laws governing drugs and psychotropic substances, the prevention, treatment and rehabilitation of drug addiction

THE PRESIDENT OF THE REPUBLIC

Pursuant to Article 87 of the Constitution;

Pursuant to s.37 of Law No. 162 of 26 June 1990, empowering the Government to consolidate and coordinate all the provisions referred to in Law No. 685 of 22 December 1975, 1/ the Decree-Law No. 144 of 22 April 1985 enacted with amendments as Law No. 297 of 21 June 1985, 2/ of Decree-Law No. 1103 of 1 April 1988, enacted with amendments as Law No. 176 of 1 June 1988, of the Code of Criminal Procedure and the aforementioned Law 162 of 1990;

Having heard the opinion of the respective parliamentary committees, as expressed by the Senate of the Republic on 5 August 1990 and the Chamber of Deputies on 5 September 1990;

Having heard the opinion of the Council of State, at the general session held on 4 October 1990;

Pursuant to the resolutions of the Council of Ministers adopted on 31 July 1990 and 4 October 1990;

Pursuant to the Decree of the Prime Minister of 14 September 1990 published in the Official Gazette No. 219 on 19 September 1990, with which the Prime Minister empowered the Minister for Social Affairs to perform all the functions vested in him by Law No. 162 of 26 June 1990;

At the proposal of the Minister for Social Affairs, jointly with the Ministers of the Interior, Justice, Finance, the Treasury, Defence, Education, Labour and Social Security, and Health,

HEREBY ISSUES

the following Decree:

Article 1

1. The consolidation of the laws governing narcotic and psychotropic substances, the prevention, treatment and rehabilitation of drug addiction set forth in 136 sections and approved by the Minister proposing them is hereby approved.

This Decree, bearing the Seal of State, shall be recorded in the "Raccolta Ufficiale" of the laws of the Italian Republic. All are required to observe and enforce these provisions.

Done in Rome, 9 October 1990.

COSSIGA

ANDREOTTI, Prime Minister
JERVOLINO RUSSO, Minister for Social Affairs
GAVA, Minister of the Interior
VASSALLI, Minister of Justice
FORMICA, Minister of Finance
CARLI, Minister of the Treasury
ROGNONI, Minister of Defence
BIANCO, Minister of Education
DONAT CATTIN, Minister of Labour and Social Security
DE LORENZO, Minister of Health.

Approved by the Minister of Justice: VASSALLI.

Registered with the Court of Auditors, 24 October 1990.

Government Papers, Register No. 81, sheet 20.

CONSOLIDATION OF THE LAWS GOVERNING DRUGS AND PSYCHOTROPIC SUBSTANCES, THE PREVENTION, TREATMENT AND REHABILITATION OF DRUG ADDICTION

PART I

AUTHORITIES AND SCHEDULES

Section 1

(Law No. 162 of 26 June 1990, ss.1(1) and (2), and 2)

The National Coordination Committee. Assistance to the developing countries which produce drugs

1. The National Drug Control Coordination Committee is hereby instituted at the Office of the Prime Minister.

2. The Committee is composed of the Prime Minister as its Chairman, the Ministers of Foreign Affairs, the Interior, Justice, Finance, Defence, Education, Health, Labour and Social Security, the University and Scientific and Technological Research, and by the Ministers of Social Affairs, Regional Affairs and Institutional Issues, and Urban Areas, and the Under-Secretary of State at the Office of the Prime Minister.

3. The Chairmanship of the Committee may also be delegated to the Minister for Social Affairs.

4. Other Ministers may be summoned to attend the meetings of the Committee according to the items on the agenda.

5. The Committee is responsible for issuing guidelines and for the general policy for preventing and taking action against the illegal production and distribution of narcotic and psychotropic substances in Italy and internationally.

6. The Committee, which may use the services of experts if necessary, shall submit proposals to the Government with regard to its function for laying down policy and coordinating administrative activities within the jurisdiction of the regional governments in this field.

7. The Committee shall use the services of the Permanent Monitoring Unit, provided by s.132(4).

8. The Permanent Monitoring Unit shall act according to the instructions and the criteria issued by the Committee, and regularly and systematically collect data on the following:

(a) The size of the drug dependent population, in reference to the substances used;

(b) The location and operation of the public and private services working in the field of prevention, treatment and rehabilitation, and on any initiatives designed for the social rehabilitation of drug abusers, including services instituted in prisons and military barracks; on the number of persons rehabilitated and reinstated in employment, and the type of employment, drawing a distinction between public or private structures;

(c) The types of treatment offered and the results obtained in the services referred to in (b) above, the epidemiology of the related pathologies, and the production and consumption of narcotic and psychotropic substances;

(d) Initiatives taken at all institutional levels in relation to information and prevention;

(e) The sources and routes of the illegal traffic of narcotic and psychotropic substances;

(f) The activities of the police in relation to the control and punishment of the illegal traffic of narcotic and psychotropic substances;

(g) The number and the outcome of criminal trials for the criminal offences provided in this consolidated Act;

(h) The expenditure allocated to combating drug dependence and the destination of these funds in terms of function and territorial location.

9. The Ministers of Foreign Affairs, Justice, Finance, Defence, Health, Education, and Labour and Social Security, in the exercise of their respective powers, shall supply the

Permanent Monitoring Unit with the data required under (8) above, on the first and second six-month period of each year, by the months of June and December, respectively.

10. The Permanent Monitoring Unit, which may also use the services of the Prefectures and local government departments, may require further data from any government department, central or regional, which shall supply this data, save any data which may violate the right to anonymity.

11. Each Ministry and each regional government may obtain information from the Permanent Monitoring Unit.

12. The Prime Minister, by agreement with the Ministers of Health, Education, Defence and Social Affairs, shall promote information campaigns on the harmful effects of narcotic and psychotropic substances on health, and on the magnitude and seriousness of criminal offences connected with the traffic in these substances.

13. Information campaigns shall be carried out using public and private television, the daily and periodical press, and through posters in public places, and shall be financed up to a maximum of 10 billion lire per year, from the funds provided to finance the projects referred to in s.127(11).

14. The Prime Minister shall submit a report to Parliament by 31 January each year on the data on the state of drug dependence in Italy, the strategies adopted, and the objectives attained, and on the policies to be followed.

15. Every three years, the Prime Minister, in his capacity as chairman of the National Drug Control Coordination Committee, shall convene a national conference on the problems connected with the spread of narcotic and psychotropic substances to which shall be invited public and private agencies and persons working in the field of the prevention and treatment of drug dependence. The conclusions of the Conference shall be made known to Parliament so that it may identify any amendments needed to the legislation to combat drug dependence and trafficking based upon practical experience.

16. Italy, through international organizations, shall provide assistance to the developing countries which produce the raw materials from which the narcotic and psychotropic substances are extracted.

17. This assistance shall also include the creation of alternative sources of income in order to free the local populations from having to engage in growing unlawful crops from which they currently make their livelihood.

18. To this end, the instruments provided by Law No. 49 of 26 February 1987 on Italian cooperation with the developing countries shall be activated.

Section 2

(Law No. 162 of 26 June 1990, ss.3(1) and (2))

Powers of the Minister of Health

1. Within the exercise of his powers, the Minister of Health shall:

(a) After consultations with the National Health Council, lay down the guidelines for the prevention of the consumption of and dependence on narcotic and psychotropic substances and alcohol, and for the treatment and social rehabilitation of persons dependent on narcotic and psychotropic substances and alcohol;

(b) Participate in drafting international reports with the United Nations Commission on Narcotic Drugs of the Economic and Social Council, and the United Nations Fund for Drug Abuse Control (UNFDAC), with the competent agencies of the European Economic Community and with any other international organization having competence over the subject-matter of this Consolidation Act; to this end he shall update the data on the quantities of narcotic and psychotropic substances actually imported, exported, manufactured, used, and on the quantities available on the premises of agencies or authorized corporations;

(c) Having consulted the National Health Council, lay down the guidelines for the epidemiological surveys to be carried out by the regional governments, the autonomous provinces of Trent and Bolzano, and the local health boards (USL) on alcohol and narcotic and psychotropic substances dependence;

(d) Issue authorization for the cultivation, production, manufacture, use, marketing, export, import, transit, acquisition, sale and possession of narcotic and psychotropic substances, and the production, marketing, export, import and transit of substances which might be used for the production of narcotic and psychotropic substances, as provided in s.70(1);

(e) Issue a Ministerial Decree laying down:

1. The annual list of corporations authorized to manufacture, use and wholesale narcotic and psychotropic substances, and substances referred to in s.70(1);

2. The tables referred to in s.13, after consultation with Istituto Superiore di Sanità, ensuring that they are promptly updated;

3. Instructions regarding the packaging of pharmaceutical drugs containing narcotic and psychotropic substances;

4. The limitations on, and manner of use of, replacement therapy drugs;

(f) Monitor the capacity of new pharmaceutical drugs to create dependence in consumers, one year, two years and five years after first being marketed;

(g) Promote studies and research, in conjunction with the Ministers of the University and Scientific Research, and Justice, into the pharmacological, toxicological, medical, psychological, rehabilitational, social, educational, preventive and legal aspects relating to drugs, alcohol and tobacco;

(h) Promote, in conjunction with the regional governments, initiatives to eliminate the exchange of syringes between drug abusers, encouraging the marketing of self-blocking disposable syringes.

Section 3

(Law No. 162 of 26 June 1990, s.3(1) and (3))

The Institution of the Central Service for Alcohol and Narcotic and Psychotropic Substances Dependence

1. The Central Service for Alcohol and Narcotic and Psychotropic Substances Dependence is hereby instituted at the Ministry of Health.

2. The Central Service is responsible for laying down guidelines and coordinating policies and programmes relating to the treatment of alcohol and narcotic and psychotropic substances dependence throughout Italy, requiring the mandatory opinion of the National Health Council. It shall also:

(a) Collect epidemiological and statistical data on consumption trends, violations of the highway code and accidents caused by intoxication by alcohol and narcotic and psychotropic substances;

(b) Collect and process the data transmitted by the regions on the pattern of alcohol and narcotic and psychotropic substances dependence, and preventive, treatment and social rehabilitation work, and submit an annual report on it to the Minister of Health;

(c) Collect and process data on the number of public and private services operating in the drug and alcohol sector, any grants which are given to each one of them, and the number of persons receiving assistance from them and the results obtained with regard to their rehabilitation and prevention work;

(d) Express a reasoned opinion on the authorization issued with relation to narcotic and psychotropic substances for which the Ministry of Health has competence;

(e) Express a reasoned opinion regarding the granting of licences to import raw materials for the production and use of narcotic and psychotropic substances, after consulting the Istituto Superiore di Sanità;

(f) Carry out a qualitative and quantitative survey of the narcotic and psychotropic substances placed at the disposal of the Ministry of Health pursuant to s.87;

(g) List non-toxic repellent additives to be included in commerical inhalable solvents;

(h) Identify adulterating substances in narcotic and psychotropic substances.

3. The Central Service shall use the laboratories of the Istituto Superiore di Sanità or university institutions in order to perform any analyses or tests that may be required.

Section 4

(Law No. 142 of 26 June 1990, s.3(1), (4) and (5))

Composition of the Central Service for Narcotic and Psychotropic Substances Dependence

1. A "Dirigente Generale" of the Ministry of Health shall head the Central Service for Narcotic and Psychotropic Substances Dependence.

2. The Minister shall establish the Central Service, with at least four sectors relating, respectively, to narcotic and psychotropic substances dependence, the prevention of HIV infection among drug abusers and of correlated pathologies, alcoholism and tobacco addiction, headed by the officials referred to in subsection (3).

3. Table XIX, annexed to the Decree of the President of the Republic, No. 748 of 30 June 1972, is amended as follows:

(a) Schedule A, function grade C, increased by one unit;

(b) Schedule C, function grade D, increased by two units;

(c) Schedule C, function grade E, increased by four units.

4. The expenditure required to implement this section, evaluated at 360 million lire for each of the financial years 1990, 1991, and 1992 shall be covered by reducing the appropriation referred to in s.39(2) of Law No. 162 of 26 June 1990 by the same amount.

5. The Minister of the Treasury is authorized to make the necessary changes to the Budget, by issuing his own decrees.

Section 5

(Law No. 685 of 22 December 1975, 3/ s.3)

Supervision and control

1. To exercise the control and supervision required, the Ministry of Health shall normally make use of the specialized police forces, the Guardia di Finanza, the Carabiniere and in urgent cases any police officer or agent. With regard to controlling ships and aircraft, the work shall be coordinated with the harbour-masters' offices or the airport authorities.

Section 6

(Law No. 685 of 22 December 1975, s.4)

Forms of supervision

1. Supervision over the agencies and corporations authorized to grow, manufacture, use or market narcotic and psychotropic substances, or anyone who is authorized to possess narcotic and psychotropic substances, shall be performed by the Ministry of Health.

2. This supervision shall be carried out through ordinary and extraordinary inspections.

3. The ordinary inspections shall be conducted at least once every two years, save where otherwise provided by s.29.

4. The Ministry of Health may order extraordinary inspections at any time.

5. In order to conduct the inspections, the Ministry of Health may use the cooperation of police authorities who shall, at all events, be entitled to have access at any moment to the premises where the activities provided by Parts III, IV, V, VI and VII of this Act are performed.

6. The Guardia di Finanza may conduct extraordinary inspections at any time on agencies and corporations authorized to manufacture narcotic and psychotropic substances, when there exist grounds for suspecting unlawful activities.

Section 7

(Law No. 685 of 22 December 1975, s.5)

The obligation to exhibit documentation

1. For the purposes of supervision and control as provided by ss.5 and 6, the holders of authorization, and the owners or managers of pharmacies, are required to exhibit to the officials of the Ministry of Health and members of the police forces any documents relating to the authorization, management of the cultivation and sale of products, the manufacture, the use and the marketing of narcotic and psychotropic substances.

Section 8

(Law No. 162 of 26 June 1990, s.4(1))

Objections to inspections. Penalties

1. Save where a serious criminal offence is involved, the following offences shall be punishable by imprisonment for a period of up to one year and a fine of between 1 million and 10 million lire:

(a) Unduly preventing or hindering the performance of the inspections provided by s.6;

(b) Revealing or giving advanced warning of an inspection, whenever said inspection is supposed to be unannounced;

(c) Unduly preventing or hindering controls, access or any other of the actions provided by s.29, or failing to comply with the obligation to exhibit the documents referred to in s.7.

Section 9

(Law No. 162 of 26 June 1990, s.5(1))

Powers of the Minister of the Interior

1. The Minister of the Interior, in the exercise of his powers shall:

(a) Perform the functions of the overall supervision of the police services for the control and punishment of the unlawful traffic in narcotic and psychotropic substances and the general coordination of the duties and activities of the police forces; he shall also promote international cooperation agreements with competent foreign organizations, by joint agreement with the Minister of Foreign Affairs and the Minister of Justice;

(b) Take part in relations, at the international level, and without prejudice to the powers of the Ministers of Foreign Affairs and Health, with the United Nations Fund for Drug Abuse Control (UNFDAC), the competent authorities of the European Community and any other organization with competence in respect of the subject-matter of this Act.

Section 10

(Law No. 162 of 26 June 1990, ss.5(1) and (25), and 2(d)(1),
Decree Law No. 103 of 1 April 1988, enacted with amendments
as Law No. 176 of 1 June 1988, s.2(bis))

Central Drug Control Service

1. In order for the Minister of the Interior to perform his duties in relation to coordinating and planning the police forces and the overall supervision of the police services for the control and punishment of the illegal traffic of narcotic and psychotropic substances, the Chief of Police and Director-General of Public Security, shall make use of the services of the Central Drug Control Service which has already been instituted by the Department of Public Security pursuant to s.35 of Law No. 1121 of 1 April 1981.

2. In order to ensure the necessary international cooperation for the control and punishment of the unlawful traffic in narcotic and psychotropic substances, the Central Drug Control Service shall foster and develop relations with corresponding services of foreign police forces, also working through the International Criminal Police Organization (ICPO-INTERPOL) and with the technical agencies of Governments of foreign countries operating in Italy.

3. The Service shall also handle relations with international organizations involved in cooperating in the activities of the drug enforcement police forces.

4. The service provided by the officers of the Carabiniere and the Guardia di Finanza to the Central Drug Control Service shall be equivalent, for the purposes of career development, to the period of command in their respective grades with their original corps.

5. For the activities of the Central Drug Control Service, and for the expenditure referred to in s.100, and to introduce the improvements referred to in s.101(2), the sum of 6,800 million lire per year are hereby appropriated for the three-year period 1990-1992.

Section 11

(Law No. 162 of 26 June 1990, s.5(1))

Drug Control Offices Abroad

1. The Department of Public Security may, pursuant to the provisions of article 168 of the Decree of the President of the Republic, No. 18 of 5 January 1967, as subsequently amended, second personnel belonging to the Central Drug Control Service to work with the diplomatic representatives and consular offices abroad, in their capacity as experts, in order to conduct surveys, surveillance, and provide consultancy services and supply information to promote cooperation against drug trafficking.

2. For these purposes, the manning levels provided by article 168 of the DPR No. 18 of 5 January 1967 shall be increased to 20 persons, who shall be experts from the Central Drug Control Service.

3. In order to perform the international cooperation duties in relation to the control and punishment of the illegal traffic in narcotic and psychotropic substances, the Central Drug Control Service may set up offices operating abroad, under specific cooperation agreements with the Governments concerned. These agreements shall lay down the legal status of these offices with regard to the local authorities.

4. Personnel from the Central Drug Control Service, appointed by decree by the Minister of the Interior, jointly with the Ministers of Foreign Affairs and the Treasury, shall be appointed to the offices referred to in subsection 3.

5. The estimated cost of implementing this section is 4 billion lire per year, beginning 1990, for the personnel expenditure, and 1 billion lire for the operating costs for 1990.

Section 12

(Law No. 162 of 26 June 1990, s.6(1))

Consultation and coordination between central Government, regional governments and the autonomous provinces

1. Responsibility for consultation and coordination of activities relating to the control, treatment and social and health-care rehabilitation of drug abusers, and the control over the use of narcotic and psychotropic substances throughout the whole of the territory of the Republic shall be vested in the Permanent Conference for relations between the central Government, regional governments and the autonomous provinces of Trent and Bolzano, following the procedures of s.12 of Law No. 400 of 23 August 1988. When the agenda for the Conference includes matters relating to the subjects referred to in this Act, the Minister for Social Affairs shall be present.

Section 13

(Law No. 685 of 22 December 1975, s.11, Law No. 162 of 26 June 1990, ss.7(1) and (2))

Tables of substances subject to control

1. The narcotic and psychotropic substances subject to the control and supervision of the Ministry of Health have been set forth, following the criteria given in s.14, in 6 tables to be adopted by decree of the Ministry of Health, jointly with the Minister of Justice, after hearing the opinion of the Istituto Superiore di Sanità and the Consiglio Superiore di Sanità.

2. The tables referred to in subsection (1) shall list all the substances and preparations given in international conventions and agreements, and shall be promptly updated, according to the provisions of those same conventions and agreements, or when new scientific evidence becomes available.

3. Any variations to the tables shall be made following the same procedures as indicated in subsection (1).

4. The decree shall be published in the Official Gazette of the Italian Republic and shall be printed in the following edition of the official pharmacopoeia.

5. The Minister of Health shall issue a decree, following the same procedures as adopted for inclusion in the tables, in accordance with international conventions dealing with narcotic and psychotropic substances, to exclude from any one or more control measures any preparations which, on account of the composition and quantity, cannot be used otherwise than for the purpose for which they are intended.

Section 14

(Law No. 685 of 22 December 1975, s.12)

Criteria for drawing up the tables

1. The inclusion of narcotic and psychotropic substances in the tables referred to in s.13 shall follow the following criteria:

(a) In table I the following shall be indicated:

(1) Opium and materials from which natural opiates may be obtained, by extraction from the Eastern poppy (Papaver somniferum); the alkaloids having a narcotic/analgesic effect extractable therefrom; the substances obtained by chemical transformation of those indicated above; the substances obtained by synthesis, which are similar in chemical structure or in their effects to the opiates indicated above; and any major intermediate substances used to synthesize them;

(2) Coca leaves and the alkaloids which are able to stimulate the central nervous system that may be extracted therefrom; substances with a similar action obtained by chemical transformation of the aforementioned alkaloids, or by synthesis;

(3) Amphetamine-type substances which stimulate the central nervous system;

(4) Any other substance which produces effects on the central nervous system or which is capable of creating physical or psychological dependence to the same degree or greater than those indicated above;

(5) Indoles, whether they are triptamine or lysergic derivates, and phenyethylamines which have hallucinogenous effects or which could provoke sensorial distortions;

(6) The tetrahydrocannabinols, and similar substances;

(7) Any other natural or synthetic substance which can create hallucinations or serious sensorial distortions;

(8) Preparations containing the substances listed in this paragraph;

(b) Table II shall indicate:

(1) Cannabis indica, the products obtained from it, the substances which may be obtained by synthesis or semi-synthesis, and which are similar to them in chemical structure or pharmacological effects save those listed under para. (6) of Table I;

(2) Preparations containing the substances given in para. (1);

(c) Table III shall indicate the following:

(1) Barbiturates which have a substantial capacity to create physical or psychological dependence or both, and any other sedative/hypnotic substances similar to them. This therefore excludes barbiturates with long-term effects, and with proven anti-epileptic effects, and barbiturates with short-term effects to be used as general anaesthetics, provided that none of these substances give rise to the aforementioned dangers of dependence;

(2) Preparations containing the substances listed under (c)(1);

(d) Table IV shall list the following:

(1) Substances commonly employed for therapeutic uses, for which there are proven dangers of inducing physical or psychological dependence to a lesser degree of intensity and gravity than those produced by the substances listed in Tables I and III;

(2) Preparations containing the substances listed under (d)(1);

(e) Table V shall also indicate the preparations containing the substances listed in the tables referred to in paragraphs (a), (b), (c) and (d), when these preparations, in terms of their qualitative and quantitative composition and the manner of their use, do not create any risk of abuse and are therefore not subject to being governed by the provisions governing the substances which form part of their compositions;

(f) Table VI shall indicate the products which relieve anxiety, depression, or which are psychological stimulants, which may create the danger of abuse and the possibility of drug dependence.

2. The table shall also include, for the purposes of the enforcement of the provisions of this Act, all the isomers, esters, ethers and salts, including the salts of isomers, esters and ethers, as well as the stereo isomers, in those cases in which they are able to be produced, relating to the substances and preparations included in the tables, save where expressly excluded.

3. The substances included in the tables shall be given their common international name and their chemical name, where these exist, as well as the commonly used Italian name, or the proper name of the pharmaceutical product which is found on the market. It is nevertheless sufficient, for the purposes of enforcing the provisions of this Act, that the tables indicate any one of the names of the substance or of the product, provided that it is sufficient to identify that substance or product.

Section 15

(Law No. 685 of 22 December 1975, s.13)

Formalities to be taken by the Ministry of Health and the regional governments

1. The Ministry of Health shall regularly publish and disseminate to the regional governments and local health boards (USL) updated information on the substances listed in the tables referred to in s.14, their effects, the methods for treating drug-dependence, the list of specialized health-care units and social centres licensed to carry out preventive and curative treatment for drug-dependency.

2. The regional authorities having responsibility shall communicate the information referred to in subsection (1) to each individual doctor exercising the profession.

Section 16

(Law No. 685 of 22 December 1975, s.14)

List of authorized corporations

1. The updated list of agencies and corporations authorized to cultivate and produce, manufacture, use and wholesale narcotic and psychotropic substances, with the full particulars of each authorization and permit, and specifying the activities authorized, shall be published each year by the Ministry of Health in the Official Gazette of the Italian Republic.

PART II

AUTHORIZATION AND PERMITS

Section 17

(Law No. 685 of 22 December 1975, s.15,
Law No. 162 of 26 June 1990, s.8(1))

Obligation to hold a permit

1. Anyone intending to cultivate, produce, manufacture, use, import, export, receive in transit, trade in any way or possess in manner for trade, narcotic and psychotropic substances included in the tables referred to in s.14 shall obtain authorization from the Ministry of Health.

2. Pharmacies do not require this authorization with regard to the acquisition of narcotic and psychotropic substances and for the purchase, sale or assignment of these substances in the form and doses of medical drugs.

3. The import, transit, or export of narcotic and psychotropic substances by persons holding the authorization referred to in subsection (1) require a permit issued by the

Ministry of Health in accordance with international conventions and the provisions of Part V of this Act.

4. In the application for authorization, the agencies and corporations concerned shall indicate the post of office whose holders are responsible for keeping the registers and for ensuring compliance with all the other obligations required by the provisions of Parts VI and VII of this Act.

5. When the Ministry of Health grants authorization, it shall establish, case by case, the conditions and the guarantees upon which the licence is conditional, after hearing the opinion of the Commando Generale of the Guardia di Finanza and, in the case of cultivation, the opinion of the Ministry of Agriculture and Forestry.

6. The decree granting the licence shall remain valid for two years, and is subject to the Government's tax.

7. The permit, pursuant to subsection (1) is also required for the activities set forth in s.70(2). The provisions of subsections (2) to (6) of this section apply.

Section 18

(Law No. 685 of 22 December 1975, s.16)

Communication of decrees granting permits

1. The Ministerial decrees grating permits shall be communicated to the Department of Public Security at the Ministry of the Interior, the Comando Generale of the Guardia di Finanza and the Comando Generale of the Carabinieri, which shall impart the necessary instructions for supervision to their centralized units.

2. The same communication shall also be made to the Central Drug Control Service.

Section 19

(Law No. 685 of 22 December 1975, s.17)

Criteria for eligibility for permit

1. The permits provided by s.17(1) are non-transferrable and personal and may not be used by any other person, in any capacity or form.

2. The permits may only be granted to agencies or corporations whose owner or legal representative, in the case of corporations, is of sound moral standing and offers moral and professional guarantees. The eligibility criteria also apply to the technical manager of the company.

3. In the case of agencies or corporations with one or more branches or depots, a permit is required for each branch or depot. The eligibility requirements provided in subsection (2) shall also be possessed by the person responsible for the branch or depot.

4. When the authorized activity or the company is assigned to new owners, or if the company name is changed, or the owner or the legal representative of the enterprise dies or is replaced, the permit lapses ipso facto, without requiring any special formality.

5. However, in the case of the death or replacement of the owner of the corporation or the legal representative of the agency, the Ministry of Health may provisionally, and for no longer than the statutory period of three months, permit the authorized activity to continue under the responsibility of the technical manager.

Section 20

(Law No. 685 of 22 December 1975, s.18)

Renewal of permits

1. The application to renew the permits shall be submitted at least three months before the date of expiry using the same procedure as for the issuance of individual permits.

2. When the licence loses its effect ipso facto, as provided in s.19(4), for the purposes of issuing the new permit the documentation attesting that the eligibility criteria are unchanged may be deemed valid for the purposes of issuing the new permit.

Section 21

(Law No. 685 of 22 December 1975, s.19)

Withdrawal and suspension of permits

1. When it is ascertained that irregularities have occurred with the cultivation, harvesting, manufacture, processing, synthesis, use, storage, or marketing of narcotic and psychotropic substances, or when any or all of the statutory eligibility criteria required of the owner or legal representative or the technical manager no longer exist, the Minister of Health shall withdraw the permit.

2. The Ministry of Health may also withdraw the permit in the case of a technical accident, theft, deterioration of narcotic and psychotropic substances or other irregularities that may occur as a result of the negligence of the personnel responsible therefor.

3. In the cases provided in subsections (1) and (2) above, whenever the fact is of minor importance, the permit may be suspended for up to six months.

4. When a permit is withdrawn or suspended, the reasons therefor shall be given and notified to the persons concerned through the mayor and shall be also communicated to the regional health authority, the central police authority (Questura) responsible for the territory and, where applicable, the Comando Generale of the Guardia di Finanza.

5. In the event of irregularities occurring as indicated in subsection (1) which solely refer to technical/agricultural regulations, the Minister of Health shall take appropriate measures after consultation with the Ministry of Agriculture and Forestry.

Section 22

(Law No. 685 of 22 December 1975, s.20)

Measures to be taken when authorized activities are assigned

1. When the permit lapses, is withdrawn or suspended, the Minister of Health, notwithstanding the provisions of s.23, shall also adopt any measures deemed appropriate with regard to any stocks of narcotic and psychotropic substances, and shall proceed to withdraw the counterfoil books registers required pursuant to this Act, and shall withdraw the decree of authorization.

Section 23

(Law No. 685 of 22 December 1975, s.21, Decree Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.4(2))

Assignment or destruction of narcotic and psychotropic substances

1. In the exercise of the powers provided by s.22, the Minister of Health may, at the request of the person concerned, permit the assignment of stocks of narcotic and psychotropic substances to the suppliers thereof, or to other authorized agencies or corporations, or to pharmacies, whose names shall be specifically indicated.

2. Whenever, within one year, it has not been possible to assign the narcotic and psychotropic substances, they shall be acquired by the State and used following the procedures and formalities provided in s.24.

3. Any deteriorated substances which cannot be used pharmacologically shall be destroyed, following the procedures indicated in s.25.

4. A minute shall be specially drafted to attest to the application of the procedures adopted pursuant to this section.

Section 24

(Law No. 685 of 22 December 1975, s.22)

Narcotic and psychotropic substances confiscated or acquired

1. The narcotic and psychotropic substances which are confiscated or in any way acquired by the State pursuant to s.23 shall be placed at the disposal of the Ministry of

Health which shall conduct any tests that may be necessary and then either utilize or destroy them.

2. If the substances are sold, when their confiscation has not been ordered, the proceeds thereof, less any expenses incurred by the State, shall be paid to the owner. Any amounts relating to refunds of expenses incurred by the State shall be paid and recorded under a special heading in the central Government budget as a revenue.

Section 25

(Decree Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.4(1))

Destruction of substances delivered to or placed at the disposal of the Ministry of Health

1. The destruction of the narcotic and psychotropic substances in the cases provided by s.23 and s.24 shall be ordered by decree of the Minister of Health, which shall indicate the procedures to be followed, and shall be performed in appropriate local public structures, where these exist, or national structures in other cases.

2. In these cases, the Minister of Health may also request the Prefects of the provinces concerned to ensure that adequate assistance is provided by the police during the destruction operations.

3. The minute attesting to the completion of the operations referred to in subsection (2) shall be forwarded to the Ministry of Health.

PART III

PROVISIONS RELATING TO THE CULTIVATION AND PRODUCTION, MANUFACTURE, USE AND WHOLESALING OF NARCOTIC AND PSYCHOTROPIC SUBSTANCES

CHAPTER I

CULTIVATION AND PRODUCTION

Section 26

(Law No. 685 of 22 December 1975, s.26)

Prohibited cultivation and production

1. Notwithstanding the provisions of subsection (2) it is prohibited, anywhere the territory of the State, to cultivate coca plants of any species, Indian hemp plants, hallucinogenous mushrooms, and the species of poppy (Papaver somniferum) from which raw opium is derived. Special sections in Tables I, II and III, pursuant to s.14, shall indicate any other plants from which narcotic and psychotropic substances may be derived, whose cultivation shall be prohibited throughout the territory of the State.

2. The Minister of Health may authorize university institutions and public laboratories with the statutory object of conducting research, to cultivate the aforementioned plants for scientific, experimental or educational purposes.

Section 27

(Law No. 685 of 22 December 1975, s.27, Law No. 162 of 26 June 1990, s.33(1))

Authorization for cultivation

1. The application for authorization to cultivate the prohibited plants, submitted by the persons referred to in ss.16 and 17 of this Act shall provide the name of the applicant cultivator having responsibility thereover, and indicate the place, the land registry coordinates and the exact acreage on which the plants will be cultivated, and also indicate the type of plants to be cultivated and the products which it is intended to obtain from them. The applicant shall also accurately identify the premises to be used for the storage of the products so obtained.

2. Both the application and the Ministerial Decree of authorization, if issued, shall be submitted to the Local Health Board (USL) having jurisdiction, and to the other authorities referred to in s.29, who are responsible for supervising and controlling all the phases of cultivation until the product is assigned.

3. The permit shall remain valid not only for the cultivation, but also for the harvesting, possession and sale of the products obtained, which shall be effected solely to companies holding a permit to manufacture and use narcotic and psychotropic substances.

Section 28

(Law No. 685 of 22 December 1975, Decree Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.3(4), Law No. 162 of 26 June 1990, s.32(1))

Penalties

1. Anyone who cultivates the plants listed in s.26 without holding a permit shall be liable to criminal penalties and administrative fines provided for the unlawful manufacture of the substances concerned.

2. Anyone who fails to observe the conditions and provide the guarantees on which the permit is conditional shall be liable to imprisonment for a period of up to one year, or a fine of between 1 million and 4 million lire, save where the offence is a more serious criminal offence.

3. In all circumstances, the unlawfully cultivated plants shall be sequestered and confiscated. The provisions of s.86 shall apply.

Section 29

(Law No. 685 of 22 December 1975, s.26)

Supervision over the cultivation, harvesting and production of drugs

1. For the purposes of supervising the activities of cultivation, harvesting and production of drugs, the Guardia di Finanza officers shall carry out regular controls and inspections of the authorized cultivations in order to ensure compliance with the statutory conditions and to ascertain when the guarantees required by the permit are provided. The regularity of the controls shall be agreed between the Ministry of Health, the Comando Generale of the Guardia di Finanza and the Ministry of Agriculture and Forestry, in relation to the locality and the area of the cultivated land, the nature and the duration of the agricultural cycle.

2. Notwithstanding the inspections provided by subsection (1) the Guardia di Finanza may also carry out extraordinary inspections whenever there is suspicion of fraudulent behaviour.

3. In order to perform these duties, the Guardia di Finanza may have access, at any time, to the cultivations, and to the premises on which the products are stored, where they shall carry out inspections on the stocks.

4. Operations regarding the harvesting of the plants or parts of the plants, of raw opium or other drugs, shall be carried out in the presence of the Guardia di Finanza.

5. Outside the authorized cultivations, and particularly in the immediate vicinity thereof, the Guardia di Finanza shall exercise active supervision in order to prevent and punish any attempt to illegally remove the products. Wherever they ascertain that plants are being illicitly grown, they shall count the plants grown and have them destroyed after having taken samples thereof.

Section 30

(Law No. 685 of 22 December 1975, s.30, Law No. 162 of 26 June 1990 s.32(1))

Production surpluses

1. Production surpluses not exceeding 10 per cent of the permitted quantities provided that they are reported to the Ministry of Health within 15 days of the moment on which the surpluses are ascertained.

2. Allowance shall be made of these surpluses when establishing the quantities to be produced the following year.

3. Anyone wilfully producing narcotic and psychotropic substances in quantities exceeding those permitted or tolerated is liable to imprisonment of up to one year or a fine of up to 20 million lire.

CHAPTER II

MANUFACTURE

Section 31

(Law No. 685 of 22 December 1975, s.31,
Law No. 162 of 26 June 1990, s.32(1))

Manufacturing quotas

1. The Minister of Health shall, by the month of November each year, and in accordance with the commitments deriving from international conventions, issue a decree establishing the quantities of the various narcotic and psychotropic substances listed in Tables I, II, III, IV and VI, pursuant to s.14 which may be manufactured and marketed in Italy or abroad throughout the following year by each agency or corporation authorized to manufacture them.

2. The amounts set forth in the decree referred to in subsection (1) may be raised where necessary throughout the course of the year to which they refer.

3. The measures referred to in subsections (1) and (2) shall be published in the Official Gazette of the Italian Republic.

4. A surplus margin of not more than 10 per cent of the quantities permitted may be manufactured, provided that they are reported to the Ministry of Health within 15 days of the moment of being ascertained. Allowance will be made for these surpluses in the amounts to be manufactured during the following year.

5. Anyone wilfully manufacturing narcotic and psychotropic substances in quantities exceeding those permitted or tolerated is liable to imprisonment of up to one year or a fine of up to 20 million lire.

Section 32

(Law No. 685 of 22 December 1975, s.32)

Authorization to manufacture

1. Anyone intending to apply for authorization to extract alkaloids from the Papaver somniferum plant or from opium, from coca leaves or paste, or from other plants containing narcotic substances, or to manufacture them by synthesis, shall submit an application to the Ministry of Health by 31 October of each year.

2. A similar application shall also be made by the date indicated in subsection (1) by anyone who intends to extract, process or produce by synthesis psychotropic substances.

3. The application shall be accompanied by the certificate attesting to the technical manager's membership of the professional association, and he shall also have a university degree in chemistry or pharmacology or some similar discipline.

4. The application, accompanied by the certificate of registration with the Chamber of Commerce, Industry, Crafts and Agriculture shall contain:

(a) Full particulars of the applicant: the name of the proprietor of the corporation or the legal representative of the agency who shall be liable with regard to compliance with the statutory provisions;

(b) The address, place and description of the agency or corporation requesting the manufacturing licence with a graphic description of the premises on which the goods will be processed and then stored or be stored ready for processing;

(c) Personal particulars of the technical manager who shall take responsibility jointly with the proprietor of the corporation or the legal representative of the agency;

(d) The type and the quantities of raw materials required for processing;

(e) The substances it is intended to manufacture, together with the extraction procedures which it is intended to use, indicating the estimated yields of the processing.

5. The authorization shall apply not only to the manufacture of narcotic and psychotropic substances but also for the procurement of the raw materials required and for the sale of the products obtained.

Section 33

(Law No. 685 of 22 December 1975, s.33)

Suitability of the processing plant

1. Every processing plant shall be equipped with premises set aside solely for the manufacture of narcotic and psychotropic substances, with equipment and facilities that are appropriate for this purpose, and appropriate premises to store the finished products and the raw materials required.

2. The Ministry of Health shall ensure that the prerequisites pursuant to subsection (1) obtain.

3. Whenever the applicant is not authorized to operate a pharmaceutical plant, he shall obtain the appropriate authorization.

4. The Ministry of Health shall carry out inspections in order to ascertain that the plant is suitable pursuant to s.144 of the Health (Consolidation) Act adopted by Royal Decree No. 1265 of 27 July 1934, and subsequent amendments thereto.

5. The costs of conducting these inspections shall be paid by the applicant and any revenues therefrom shall be appropriated for the specific item in the budget of the central Government under revenues.

Section 34

(Law No. 685 of 22 December 1975, s.34)

Control over the manufacturing cycles

1. At each agency or corporation having authorization to manufacture the narcotic and psychotropic substances, set forth in Tables I, II, III, IV and V pursuant to s.14, one or more NCOs or private Guardia di Finanza shall be seconded in order to check the incoming and outgoing narcotic and psychotropic substances, and to constantly oversee the production cycle.

2. The supervision may, at the request of the Ministry of Health, also be ordered to take place on the premises of individual agencies or corporations having authorization to use these substances, by prior agreement with the Comando Generale of the Guardia di Finanza.

3. The orders shall be issued by the Comando Generale of the Guardia di Finanza in accordance with the general instructions agreed upon, also for the purposes of coordination, with the Ministry of Health.

4. The companies which manufacture narcotic and psychotropic substances have the statutory duty to place at the disposal of the military police supervising the plant appropriate premises for them to carry out their supervisory operations, appropriately equipped for them to be used during their rest periods, when work is carried out during the night.

Section 35

(Law No. 685 of 22 December 1975, s.35)

Controls of raw materials

1. The Ministry of Health shall control the quantities of raw materials having a narcotic effect, the quantities of narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14, which are manufactured or in any way in possession of each production plant and on their destination, with particular reference to the breakdown on the market.

2. The Minister of Health may restrict or prohibit, at any moment, where specific circumstances require it, the manufacture of any individual narcotic and psychotropic substances.

3. The specialized supervisory bodies are required to carry out occasional and unannounced supervisory visits both at their own initiative and at the request of the Ministry of Health.

CHAPTER III

USE

Section 36

(Law No. 685 of 22 December 1975, s.36)

Authorization for use

1. Anyone who intends to request authorization to use the narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14, being duly authorized to operate a pharmaceutical production plant, shall submit an application to the Ministry of Health following the procedures set forth in s.32(4) where applicable.

2. The Ministry of Health shall ascertain that the premises are suitable for the preparation, use and storage of the raw materials and the products.

3. The decree of authorization shall be valid for the procurement and use of the substances placed under control, and for the sale of the preparations obtained therefrom.

4. The cost of the inspections referred to in subsection (2) shall be paid by the applicant and any revenues therefrom shall be paid into the State budget under a specific heading.

CHAPTER IV

THE WHOLESALE TRADE

Section 37

(Law No. 685 of 22 December 1975, s.37)

Authorization to wholesalers

1. Anyone intending to apply for authorization to wholesale narcotic and psychotropic substances shall make an application to the Ministry of Health, one application for each depot or branch.

2. The Ministry of Health shall ascertain the suitability of the premises to be used to store and preserve the substances and products.

3. The cost of the inspections shall be paid by the applicant and any revenues therefrom shall be paid into to the State budget under a specific heading.

4. The application, accompanied by the certificate attesting membership of the Chamber of Commerce, Industry, Crafts and Agriculture shall indicate:

(a) The personal particulars of the proprietor or the name of the commercial firm, and the name of the legal representatives;

(b) The personal particulars of the person responsible for running the business and an indication of the requirements provided by s.188 bis of the Health (Consolidation) Act adopted by Royal Decree No. 1265 of 27 July 1934;

(c) The location of the head offices, branches, depots or stores in which the trade is exercised indicating the premises set aside to receive, store and ship or deliver the products referred to in subsection (1) indicating the security measures that have been adopted for these premises;

(d) The substances, products and medicinal specialities which it is intended to wholesale.

5. The Minister of Health, after making the appropriate investigations, shall issue the authorization to trade establishing, where necessary, the conditions and the guarantees required.

PART IV

PROVISIONS GOVERNING DISTRIBUTION

CHAPTER I

SALE, PURCHASE AND SUPPLY

Section 38

(Law No. 685 of 22 December 1975, s.38, Law No. 162 of 26 June 1990, ss.9(1) and 32(1))

Sale or assignment of narcotic and psychotropic substances

1. The sale or assignment, by whatever title, of narcotic and psychotropic substances included in Tables I, II, III, IV and V pursuant to s.14 shall be made to persons who are authorized pursuant to this Act and to the proprietors and/or managers of pharmacies open to the public and/or in hospitals, in exchange for a written request submitted on a "purchase voucher" removed from a counterfoil book in accordance with the model provided and distributed by the Ministry of Health. The written request is not necessary for the sale or assignment for any reason to proprietors or managers of pharmacies in relation to the preparations set forth in Table V pursuant to s.14 purchased from companies authorized to wholesale them.

2. In the case that the "purchase voucher" counterfoil book be lost, wholly or in part, the matter shall be reported to the police within 24 hours of discovering the loss. Failure to comply with this requirement shall make the offender liable to a fine of between 200,000 and 4 million lire.

3. The producers of medicinal specialities containing narcotic and psychotropic substances are authorized, within the limits and according to the rules laid down by the Ministry of Health, to send samples of their specialities to physicians, surgeons and veterinary surgeons.

4. It is at all events prohibited to supply physicians, surgeons and veterinary surgeons with samples of the narcotic and psychotropic substances listed in Tables I, II and III, pursuant to s.14.

5. Save where a criminal offence is involved, any infringement of the provisions of subsection (4) is punishable with a fine of between 200,000 and 1 million lire.

6. The medicinal specialities referred to in subsection (4) may only be sent upon receipt of a request therefor, signed and dated by the physician who shall undertake to administer it under his own responsibility.

7. Anyone who assigns the purchase vouchers for any reason to third parties is liable to imprisonment for between six months and three years, and a fine of between 5 million and 30 million lire, save where a more serious criminal offence is involved.

Section 39

(Law No. 685 of 22 December 1975, s.39)

Purchase vouchers

1. Every purchase voucher shall be used for one substance or preparation only.

2. It is divided into three sections. The first section is the counterfoil and remains in the possession of the applicant. The sales invoice shall be attached to the counterfoil, when issued by the supplier, bearing full details of the voucher to which it refers. The second section is given to the supplier who shall append it to the copy of the sales invoice.

3. The first and second sections shall be kept as proof justifying the transaction.

4. The third section shall be sent by the vendor to the Ministry of Health. When the purchaser is the owner or the manager of a pharmacy, the section shall be sent to the regional health authority under whose jurisdiction the pharmacy is.

Section 40

(Law No. 685 of 22 December 1975, s.40)

Packaging used for sale

1. The Minister of Health, after consultation with the Istituto Superiore di Sanità shall, when issuing authorization, decide on the type of packaging for preparations containing narcotic and psychotropic substances, which may be placed on the market, in terms of their composition, indications and dosage.

2. The composition, the indications and the dosage, and any counter-indications shall be stated unambiguously on the instructions paper which shall be included in the packaging.

Section 41

(Law No. 685 of 22 December 1975, s.41,
Law No. 162 of 26 June 1990, s.32(1))

Procedures for delivery

1. The substances subject to control shall be delivered by the agencies or corporations authorized to market them:

(a) Personally to the holder of the marketing permit or to the pharmacist, after ascertaining his identity, whenever the substances are delivered to the head office of the agency or the corporation, noting the details of the identity document at the bottom of the purchase voucher;

(b) By any employee of the agency or corporation, who is duly authorized to take delivery, effected directly at the domicile of the purchaser, after ascertaining his identity and annotating the details of the identity document at the bottom of the purchase voucher;

(c) By insured parcel post;

(d) By a private haulier or shipper. In this case, when the delivery relates to narcotic and psychotropic substances indicated in Tables I and II, pursuant to s.14, and involves quantities in excess of 100 grams, the transport shall be made only after the sender has notified the nearest Police Station or Carabinieri station or Guardia di Finanza post.

2. The communication referred to in subsection (1)(d), made out in triplicate, shall indicate the name of the sender and the consignee, the day on which the shipment is transported, the type and the quantity of the drugs transported. One of the copies shall be kept by the police office or post; the second copy shall be sent to the police office or post in the jurisdiction of the consignee so that the appropriate inspection may be carried out; the third copy, stamped and signed by the police office or post shall accompany the goods and be returned to the sender by the consignee.

3. Anyone who delivers or transports narcotic and psychotropic substances without compliance with the provisions of this section shall be liable to imprisonment up to one year, and a fine of between 1 million and 20 million lire. Anyone who sells or assigns substances subject to control, shall keep the copy of the invoice, the purchase voucher therefor, and whenever the delivery is affected by post or shipper, the postal receipt or the receipt of the haulier or private shipper relating to the shipment of goods. Failure to comply with the provisions of this subsection shall render offenders liable to a fine of up to 1 million lire.

Section 42

(Law No. 685 of 22 December 1975, s.42,
Law No. 162 of 26 June 1990, s.10(1))

Purchase of preparations of narcotic and psychotropic substances by physicians and surgeons

1. Chief physicians of hospitals, out-patient departments, and nursing homes and clinics in general which do not have their own internal pharmacy service, and proprietors of doctors' surgeries may acquire preparations set forth in Tables I, II, III and IV pursuant to s.14 from pharmacies, in the amounts required for the normal needs of the hospitals, outpatient units, institutions, nursing homes and surgeries. The request to purchase these preparations shall be made in triplicate. The first copy remains with the applicant for his records; the other two shall be given to the pharmacist who shall keep one for his own records and send the other to the health authorities having jurisdiction.

2. Save where a criminal offence is involved, the purchase of these preparations substantially in excess of the amounts needed for normal requirements shall render the offender liable to a fine of between 200,000 and 1 million lire.

3. The chief physicians and proprietors of surgeries referred to in subsection (1) shall keep a register of deliveries and assignments of the preparations acquired, specifying the use to which the preparations are put.

4. This register shall be legalized and signed on each page by the local health authority.

Section 43

(Law No. 685 of 22 December 1975, s.43,
Law No. 162 of 26 June 1990, s.33(2))

Obligations on physicians, surgeons
and veterinary surgeons

1. Physicians, surgeons and veterinary surgeons who prescribe the preparations set forth in Tables I, II and III pursuant to s.14, shall clearly indicate in the prescriptions provided by subsection (2) which shall be written in indelible ink, the surname, the given name and the residence of the patient to which the preparations have been administered or the name of the owner of the sick animal; the prescribed dose shall be written in letters with an indication of the form and times of administration; and the date and signature shall appear on the prescription.

2. Prescriptions for preparations indicated in subsection (1) shall be removed from a counterfoil prescription block of a standard type issued by the Ministry of Health and distributed, at the request of physicians, surgeons and veterinary surgeons by their professional associations, which, when delivery of them shall ensure that each doctor signs each prescription form. The same physician is required to repeat his signature when delivering the prescription to the person requesting it.

3. Each prescription shall be for one preparation only, or for sufficient medication to cover a period of treatment of not more than 8 days, which shall be reduced to 3 days in the case of veterinary prescriptions. The prescription shall contain the address and telephone number of the physician, surgeon or veterinary surgeon issuing it.

4. The physician, surgeon or veterinary surgeon shall keep a copy of each prescription issued for two years following the date of issue, bearing the words written visibly and clearly, "Copy for Records".

5. Save where a more serious criminal offence is committed, any infringement of any one or more of the provisions of this section shall render the offender liable to a fine of between 200,000 and 1 million lire.

6. Prescriptions issued to persons covered by the National Health Service shall be issued in duplicate. On the copy the physician shall write clearly and in indelible ink the words "Copy for the Local Health Board (USL)".

Section 44

(Law No. 685 of 22 December 1975, s.44)

Prohibition on delivering narcotic and psychotropic substances

1. It is prohibited to give the substances and preparations set forth in the tables pursuant to s.14 to minors or persons who are manifestly of infirm mind.

2. Save where a criminal offence is committed, any infringement of the provisions of subsection (1) shall render the offender liable to a fine of up to 2 million lire.

Section 45

(Law No. 685 of 22 December 1975, s.45, Law No. 162 of 26 June 1990,
ss.11(1) and (2))

Obligations on the pharmacist

1. The sale of the drugs and preparations set forth in Tables I, II and III pursuant to s.14 shall be made by the pharmacist, who is required to ascertain the identity of the purchaser and to note the particulars of the identity document at the foot of the prescription.

2. The pharmacist shall only sell the drugs and preparations above upon presentation of a medical prescription using the prescription forms provided by s.43(2), and in the amounts and form therein prescribed.

3. The pharmacist is required to ascertain that the prescription has been drafted following the instructions prescribed in s.43, to note the date of the shipment on the prescription, and to keep the prescription so that account can be taken of it for the discharge of all further liabilities pursuant to s.62.

4. The prescription may not be dispensed beyond the tenth day following the date of issue.

5. Any person infringing the provisions of this section may be imprisoned for up to two years or fined from between 100 and 4 million lire, save where a more serious criminal offence is involved.

6. The Minister of Health is hereby empowered to issue a decree establishing the form and the content of documentation suitable to control the movement of narcotic and psychotropic substances between the internal pharmacies of hospitals and individual departments.

CHAPTER II

PROVISIONS GOVERNING CASES OF OBLIGATORY SUPPLIES

Section 46

(Law No. 685 of 22 December 1975, s.46)

Supply and administration on board merchant vessels

1. The application to acquire the preparations set forth in Tables I, II, III, IV and V pursuant to s.14, which merchant vessels have the statutory obligation to keep on board pursuant to Law No. 1045 of 16 June 1939, shall be made in triplicate, pursuant to the provisions of the Tables annexed as a schedule to the Law, by the on-board physician or in his absence by a physician enjoying the trust of the ship owner. The application shall specify the name or the number of the vessel, and the place where the ship is registered; it shall also be stamped for authorization by the harbour physician of the place in which the vessel lies berthed.

2. The first of these copies shall remain in the documentation of the applicant; the other two copies shall be given to the pharmacist, who shall keep one for his own records and shall give the other copy to the harbour physician after writing the word "Forwarded" followed by the date.

3. Save where a criminal offence is committed, any infringement of any one of the provisions of this section shall render the offender liable to a fine of between 200,000 and 1 million lire.

4. The ship's physician, or in his absence the captain of the ship, shall take delivery of the prescriptions and shall note the date on which delivery is taken and the date on which the preparations are administered in a special register.

5. The register referred to in subsection (4) shall be authenticated and signed on each page by the harbour physician of the place where the vessel is registered.

6. It shall be kept on board ship for two years from the date of the last registration.

Section 47

(Law No. 685 of 22 December 1975, s.47)

Supplies and administration at places of work

1. The application for the procurement of the preparations indicated in Tables I, II, III, IV and V pursuant to s.14, which industrial, commercial and agricultural companies are required to keep pursuant to Decree of the President of the Republic, No. 303 of 19 March 1956, shall be made in triplicate, within the limits provided by the decree, by the company's physician. It shall indicate the name of the company and the place where the site for which it is issued lies, and the number of employees; it shall also be authenticated by the local health authority in whose jurisdiction the site lies.

2. The first copy shall be kept in the records of the applicant; the other two copies shall be given to the pharmacist who shall keep one for his own records and give the other to

the competent Local Health Board (USL) with the words "Forwarded on ..." followed by the date written on it.

3. Save where a criminal offence is committed, anyone infringing one or more provisions of this section shall be liable to a fine of between 200,000 and 1 million lire.

4. The owner of the company or the site physican, or in his absence the site nurse or the site manager shall be responsible for taking delivery of the preparations, and shall note the date of delivery and issue on a special register.

5. The register pursuant to subsection (4) shall be authenticated and signed on each page by the local health authority having jurisdiction over the company. It shall be kept for two years from the date of the last registration.

Section 48

(Law No. 685 of 22 December 1975, s.48)

Supplies for the purposes of first aid

1. Apart from the cases in which there is a statutory obligation to have the preparations available, as provided in ss.46 and 47, the Ministry of Health may also issue authorization, giving the name of the person responsible for storing and using, and processing the preparations for the purposes of first aid given to crew and passengers travelling by land, sea and air, or living in communities, even if it is not for the purposes of work, and only for a temporary period.

2. The authorization shall indicate the maximum quantities, according to the requirements calculated on average, as well as any regulations with which the interested parties shall comply.

CHAPTER III

SCIENTIFIC RESEARCH AND EXPERIMENTATION

Section 49

(Law No. 685 of 22 December 1975, s.49)

Scientific research establishments. Assignment of narcotic and psychotropic substances

1. For the purposes of scientific research and experimentation, or for investigations requested by the courts, university institutions and the proprietors of scientific research and experimental laboratories, recognized as suitable by the Ministry of Health, may be authorized to acquire the quantities of narcotic and psychotropic substances needed for each period of research or experimentation.

2. The authorization shall be issued by the Minister of Health, after establishing these amounts. The Ministry of Health shall be notified of these amounts whenever requested, and in an annual written report containing a description of all the research and experiments conducted, and giving the names of the researchers and experts involved. Authorization is not subject to a government licence tax.

3. The person responsible for possessing and making scientific use of the substances shall take delivery thereof, and for the purposes of registration for release from liability, he shall collect statements issued by individual researchers and experimental workers or experts.

4. The persons so authorized are required to note in a special register authenticated by the local health authorities the following information:

(a) The full details of the decree of authorization;

(b) The quantities of narcotic and psychotropic substances delivered and in stock;

(c) A summary description of the research and experiments conducted, with details of the products obtained and the quantities remaining over.

5. Save where a criminal offence is committed, any infringement of the provisions of subsection (2) shall make the offender liable to a fine of up to 1 million lire.

PART V

IMPORTS, EXPORTS AND TRANSIT TRAFFIC

Section 50

(Law No. 685 of 22 December 1975, s.50)

General provisions

1. The import, export and transit traffic of narcotic and psychotropic substances may only be effected by the agencies and corporations which are authorized to cultivate the plants, to produce, manufacture, use and market narcotic and psychotropic substances, and to use the aforementioned substances for the purposes of scientific research and experimentation.

2. The operations referred to in subsection (1) shall only be carried out through category one customs posts.

3. The permit shall be issued for each individual operation; permits remain valid for six months, and may be used for smaller quantities than indicated.

4. Any narcotic and psychotropic substances destined for export shall be sent by parcel post, with the value declared.

5. It is prohibited to import narcotic and psychotropic substances to a box number or to a bank.

6. The provisions of this Act apply to any duty-free zones or depots whenever these are governed by regulations which permit the delivery of narcotic and psychotropic substances.

7. During transit, it is prohibited to tamper with or in any way alter the packaging of narcotic and psychotropic substances, except for customs or police purposes. It is also prohibited, without a special authorization of the Ministry of Health, to re-route them to countries other than the one for which the export and transit licence was granted.

8. The provisions referred to in s.41 shall apply to the transport and delivery of narcotic and psychotropic substances which are imported, exported or in transit.

9. The provisions of subsections (2) to (8) only apply to the narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14.

CHAPTER I

IMPORTS

Section 51

(Law No. 685 of 22 December 1975, s.51)

Application for import licences

1. In order to obtain an import licence, the applicant shall apply directly to the Ministry of Health following the procedures indicated in the Ministerial Decree.

Section 52

(Law No. 685 of 22 December 1975, s.52)

Imports

1. After issuing the import licence in conformity with international conventions, the Ministry of Health shall promptly notify the customs through which the substances are to be imported, and if this is Italian territory, it shall also notify the border customs post.

2. Before the substances may be forwarded from the border customs post to the interior customs post, a guarantee certificate shall be issued to accompany the foreign goods, indicating the address of the authorized premises to which the product is to be delivered.

3. The importer shall submit the import licence to the final customs post as soon as possible, together with the customs statement, and at the same time, where it is necessary to take samples, he shall request the intervention of the Guardia di Finanza at the "Comando".

4. The final customs post shall, on receipt of the goods and whenever it is not possible to immediately clear the goods, accept them into the bonded warehouse for temporary

custody, notifying the Ministry of Health thereof, as well as the Central Drug Control Service, the head office of the Guardia di Finanza having jurisdiction and the importer.

Section 53

(Law No. 685 of 22 December 1975, s.53)

Customs clearance and waybill

1. Upon presentation of the documents indicated in s.52(3), and after taking samples, the customs post shall clear the products and mark the packaging containing them with customs marks. On the customs import form, in addition to the routine information, the details of the import licence shall also be noted, and the licence shall be affixed to the counterfoil, and a waybill shall be issued for the imported products, bearing all the essential data attesting to the clearance operation, and stating the date by which the waybill shall be returned to the issuing customs post indicating that it has been discharged.

2. Upon arrival at its destination, the importer shall record the delivery of the goods in a special register, and ensure that the nearest Police Station or Comando of the Carabinieri or the Guardia di Finanza, or the Police Officer escorting the consignment, where applicable, certify on the waybill that the goods have been duly delivered.

3. The waybill, together with the importers' declaration of receipt, shall be returned by the date indicated on the waybill to the customs post, which shall inform the Ministry of Health, the Central Drug Control Service and the competent comando of the Guardia di Finanza that the import operation has taken place, quoting the date and the number of the import voucher.

4. After the date for the return of the waybill has expired, and the waybill has not been returned, accompanied by the importers' statement attesting to the delivery thereof, the customs office shall issue a notification to the authorities referred to in subsection (3).

Section 54

(Law No. 685 of 22 December 1975, s.54)

Sampling

1. In the case of imports of the narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14, the final customs post shall take samples, at the request of the Ministry of Health, using the procedures indicated by the Ministry.

2. If the goods imported are narcotic and psychotropic substances included in Tables I, II and III pursuant to s.14, the customs post shall take four separate samples using the procedures indicated in this section.

3. Each sample, save where the Ministry of Health otherwise provides when issuing the import permit, shall comprise at least 10 grams for opium, opium extracts, hemp resin and coca paste; 20 grams in the case of coca leaves, Indian hemp, and poppy capsules and pods; 1 gram for cocaine, morphine, codeine, ethylmorphine and any other chemical substance in the raw and pure state of salts or derivates set forth in Table I indicated in subsection (1).

4. Individual samples shall be kept in glass bottles, sealed with an air-proof cap.

5. On the label, in addition to the quantity and type of substance contained therein, and the name of the importing company and the place of origin, the label shall also bear the declared dominant active ingredient and the percentage of humidity of the substance.

6. A member of the Guardia di Finanza shall be present when the samples are taken.

7. A Minute shall be drafted for this operation, and signed by the importer or his legal representative and by the other persons involved in the operation.

8. A copy of the Minutes shall be sent by the customs authorities to the Ministry of Health, while another copy shall be annexed to the import statement while a third copy shall be given to the importer.

9. Two of the samples shall be sent by the customs authorities to the Ministry of Health, one remains with the customs and another shall be kept by the importer, who shall account for it for the purposes of registering the incoming and outgoing substances.

Section 55

(Law No. 685 of 22 December 1975, s.55)

Sample analysis

1. The Ministry of Health shall order the analysis of the samples within 60 days by the Istituto Superiore di Sanità at the expense of the importer.

2. The results shall be sent by the Ministry to the customs post having jurisdiction, to the importer and, by way of information, to the central chemical laboratory of the customs authorities and direct tax department for statutory purposes.

3. Any substances remaining after the samples are analysed, and any unused samples shall, upon request, be returned to the importer at his expense.

4. Residual substances and samples not required shall remain at the disposal of the Ministry of Health.

5. Once the analyses and tests are completed, the importer may use the sample entrusted to him for custody.

CHAPTER II

EXPORTS

Section 56

(Law No. 685 of 22 December 1975, s.56)

Application for export permits

1. In order to obtain an export permit, the applicant shall apply to the Ministry of Health.

2. The application shall be drafted according to the instructions set forth in the Ministry of Health decree. It shall be accompanied by the import licence issued by the competent authorities of the country of destination of the goods, authenticated by the Italian consular authorities there.

Section 57

(Law No. 685 of 22 December 1975, s.57)

Exports

1. After issuing the export permit, the Ministry of Health shall promptly notify the border customs post through which the goods are to be exported, and the Central Drug Control Service.

2. A copy of the export permit shall be sent to the competent authorities of the country of destination through the Ministry of Foreign Affairs.

3. On the stub and counterfoil of the export form issued by the customs shall be indicated the date and the number of the export permit, which shall remain attached to the counterfoil.

4. The customs authorities shall immediately notify the Ministry of Health that the goods have left Italian territory, indicating the full particulars of the form and the export permit.

5. When the items are exported by post, rail or air, the export permit shall be submitted to the post office, the railway office or the airline office by the exporter, who shall attach it to the documents to escort the goods to the customs through which the goods will leave the country. The final customs post shall be responsible for the formalities indicated in this section.

6. The goods shall be shipped following the procedures laid down by decree of the Minister of Health.

CHAPTER III

TRANSIT

Section 58

(Law No. 685 of 22 December 1975, s.58)

Application for a transit permit

1. To obtain a transit permit the operator shall submit the application to the Ministry of Health following the procedures laid down by Ministerial Decree.

2. The application shall, in all cases, be accompanied by:

(a) The import licence issued by the competent authorities of the country of destination;

(b) The export licence issued by the competent authorities of the country of origin.

3. The documents referred to in subsection (2)(a) and (b) may be issued in photocopy form, or copies thereof, provided that they have been authenticated by the competent Italian consular authorities.

4. Transit is only permitted through category one customs posts.

Section 59

(Law No. 685 of 22 December 1975, s.59)

Transit

1. After issuing the permit for the transit of narcotic and psychotropic substances, the Ministry of Health shall immediately notify the customs posts through which the goods will enter and leave the Italian State.

2. The customs posts of entry shall, upon receipt of the notification and after having taken possession of the transit permit, proceed to forward the goods to the customs of exit, issuing a foreign excise bond to which the transit permit shall be attached, for the goods to be accompanied under escort. The validity of the bond shall be established on the basis of the time strictly needed to ensure that the goods reach the customs of exit by the shortest possible route.

3. On the counterfoil and on the detachable form of the customs bond an indication shall be given of the date and the number of the transit permit. The customs authority shall notify the Ministry of Health and the customs of exit of the arrival and the shipment of the goods, specifying the full details of the bond issued.

4. The outgoing customs post, after the clearance operation, shall send the clearance certificate to the incoming customs which, upon receipt thereof, shall confirm with the Ministry of Health that the goods have left the Italian State indicating all the data on the operation.

5. In the case of a partial or total clearance of the customs bond, the outgoing customs post, independently of all the other procedures and formalities, shall immediately inform the nearest border police post and the Ministry of Health.

PART VI

DOCUMENTATION AND CUSTODY

Section 60

(Law No. 685 of 22 December 1975, s.60)

Controlled substances register

1. Every purchase or assignment, even if free of charge, of narcotic and psychotropic substances referred to in Tables I, II, III, IV and V pursuant to s.14, shall be recorded in a special register in which the incoming and outgoing movements of these substances shall be recorded in strict chronological order following a serial number, without any gaps, erasures or additions. The register shall be numbered and signed on every page by the local health authority which shall indicate the full details of the authorization on the first page, and on the last page shall indicate the total number of pages in the register.

2. The register shall be in accordance with the specimen provided by the Ministry of Health and approved by decree of the Minister of Health.

Section 61

(Law No. 685 of 22 December 1975, s.61)

Register of incoming and outgoing substances for agencies and corporations authorized to manufacture narcotic and psychotropic substances

1. The register of controlled substances to be kept by the agencies and corporations authorized to manufacture the narcotic and psychotropic substances listed in Tables I, II, III, IV and V pursuant to s.14, shall contain a record of each incoming and outgoing operation, together with every operation in which the substances are processed.

2. When recording outgoing operations or the use of substances in processing, the register shall also contain the number of the operation with which the substance in question was recorded on entry.

3. The substance obtained by the process, including substances obtained by synthesis, shall be recorded as outgoing substances indicating details to make it possible to link them with the data in the process register.

4. Changes in the quantities of stocks of each substance shall be accounted for in a special column, headed by the name of the substance in question, matching the entry relating to the operation as a result of which the quantities have varied.

Section 62

(Law No. 685 of 22 December 1975, s.62)

Controlled substances register for agencies or corporations authorized to use or market narcotic and psychotropic substances and for pharmacies

1. The controlled substances register of agencies and corporations authorized to use and market the narcotic and psychotropic substances referred to in Tables I, II, III, IV and V, and the register for the pharmacies in relation to the substances referred to in Tables I, II, III and IV pursuant to s.14, shall be closed on 31 December each year. This shall be done by recording a summary of all the data showing the total quantities of each type of product received and the type and quantity of the products used or marketed during the year, indicating any balance or residual amounts.

Section 63

(Law No. 685 of 22 December 1975, s.63)

Processing register for agencies and corporations authorized to manufacture narcotic and psychotropic substances

1. The agencies or corporations authorized to manufacture the narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14 shall also keep a processing register, numbered and signed on each page by an official of the Ministry of Health responsible therefor, which records the quantities of raw materials used for the processing, indicating their exact name and the date of entry into the processing unit and the products obtained from each process.

2. The registers shall be kept by the agencies and corporations authorized to manufacture for 10 years from the date of the last entry. This period is reduced to five years for processing plants which use narcotic and psychotropic substances for wholesalers and pharmacists.

3. The processing register shall be identical to the specimen provided by the Ministry of Health, and approved by Ministerial Decree.

Section 64

(Law No. 685 of 22 December 1975, s.64)

Register of controlled substances for physicians, surgeons and veterinary surgeons, merchant vessels and building sites, overland and air transport and communities offering temporary accommodation

1. The register required pursuant to ss.42, 46, and 47 shall contain information on every time substances are administered, including the surname, given name and residence of the applicant, save where otherwise provided in s.120(5), the date of administration, the

name and quantity of the preparation administered, the diagnosis or the symptoms. A separate page shall be used for each preparation, and a single serial number for inward and outward movements shall be used.

2. Each year following the date of issue, these registers shall be controlled and authenticated by the local health authorities or by the harbour physician who first authenticated them.

Section 65

(Law No. 685 of 22 December 1975, s.65)

Obligation to notify data

1. The agencies and corporations authorized to produce, manufacture or use the narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14 shall notify the Ministry of Health, the Central Drug Control Service and the Local Health Board (USL) each year and by 15 January of each year, the summary data referring to the previous year, and specifically:

(a) The closing figures in the controlled substances register;

(b) The quantities and types of materials used for the production of medicinal specialities and Galenic products prepared during the year;

(c) The quantity and quality of the products and medicinal specialities sold during the year;

(d) The quantity and quality of stocks at 31 December.

Section 66

(Law No. 685 of 22 December 1975, s.66)

Notification of quarterly information and data

1. The agencies and corporations authorized to manufacture the narcotic and psychotropic substances set forth in Tables I, II, III, IV and V pursuant to s.14, shall send to the Ministry of Health, within 30 days of the end of each quarter, a report on the type and quantity of raw materials received, those used for processing, narcotic and psychotropic substances derived therefrom, and sold during the previous quarter. In the case of raw opium, coca leaves and paste, the report shall also indicate the active ingredients of a narcotic nature.

2. The Ministry of Health may at any time request the agencies and corporations authorized to manufacture, use and market narcotic and psychotropic substances, for information and data, which shall be supplied by the stipulated date.

3. Save where a criminal offence is involved, failure to comply with the prescribed conditions, or failure to supply the information required under this section and under s.65, by the prescribed date, or if inaccurate or incomplete data is supplied, shall be liable to a fine of between 200,000 lire and 2 million lire.

Section 67

(Law No. 685 of 22 December 1975, s.67)

Loss or theft

1. In the case of loss or theft of registers, parts of them, or the relevant documentation, the loss or theft shall be reported by the persons responsible within 24 hours of discovery, in writing, to the nearest police station, and also to the Ministry of Health.

2. In the case of pharmacies, the communication referred to in subsection (1) shall be made to the local health authority having jurisdiction over the pharmacy.

Section 68

(Law No. 685 of 22 December 1975, s.68,
Law No. 162 of 26 June 1990, s.32(1))

The controlled substances, processing and physicians' registers.
Notification of data

1. Save where a criminal offence is involved, failure to comply with the regulations regarding the keeping of the controlled substance and processing registers and the obligation

to notify the data and to make the reports referred to in s.60 to s.67, inclusive, shall render the offender liable to imprisonment of up to two years, or a fine of between 3 and 50 million lire.

PART VII

SPECIFIC PROVISIONS GOVERNING THE SUBSTANCES SET FORTH IN TABLES IV, V AND VI

Section 69

(Law No. 685 of 22 December 1975, s.69)

Requirement to supply data and reports

1. The agencies and corporations which produce, manufacture or wholesale the substances set forth in Table VI pursuant to s.14 shall, each year, notify the Ministry of Health of the data relating to the production, manufacture and trade, as well as the specific destination of the substances produced.

2. Failure to comply with the provisions of subsection (1) shall render the offender liable to a fine of between 100,000 and 1 million lire.

3. The directors of clinics, hospitals, nursing homes and research laboratories shall promptly notify the Ministry of Health of any harmful effects caused by the aforementioned substances and particularly phenomena of habituation and drug dependency. The same obligation applies to physicians, even if they are not working in clinics, hospitals or nursing homes. In all communications with the Ministry of Health, the name of the patient undergoing treatment shall not be mentioned.

Section 70

(Law No. 162 of 26 June 1990, s.12(1) and (2))

Obligation to provide information and data to the Central Drug Control Service regarding substances suitable for use for the production of narcotic and psychotropic substances

1. The Minister of Health, after consultation with the Istituto Superiore di Sanità and the Consiglio Superiore di Sanità, shall issue a decree to be published in the Official Gazette of the Italian Republic, listing the substances to which the provisions of this section shall apply, as being suitable for use for the production of narcotic and psychotropic substances.

2. Notwithstanding the provisions of s.17(7), anyone intending to produce, market, export or import wholesale, or to send in transit any substances referred to in subsection (1) is required to notify the Central Drug Control Service which has been created at the Department of Public Security, of any information and data relating to the nature and the quantity of the substances, the type of activities, and the commercial operations to be performed, using the procedures and within the deadlines laid down by decree of the Minister of Health, jointly with the Ministers of the Interior, Finance, Industry and Foreign Trade.

3. For the supervision and control over the activities being performed by the persons referred to in subsection (2) and over the accuracy and completeness of the data and information supplied, the provisions of ss.6, 7 and 8 shall apply.

4. Anyone who produces, markets or exports or imports wholesale, or ships in transit any of the substances referred to in subsection (1) without the authorization referred to in s.17(7), shall be liable to imprisonment for between four and 10 years and a fine of between 20 and 200 million lire. Upon conviction, authorization to perform the activities indicated in subsection (2) shall be suspended for up to four years.

5. Anyone who fails to comply with the obligations of notification referred to in subsection (2) is liable to imprisonment of up to one year or a fine of between 500,000 and 5 million lire. The Court, upon conviction, may order the suspension of the authorization to perform the activities referred to in subsection (2) for a period of not less than one month and not more than one year. An interdiction suspending the authorization may also be taken as a preventive measure for a period of not more than one year.

Section 71

(Law No. 162 of 26 June 1990, s.12(2))

Provisions governing sales

1. The substances set forth in Tables IV and V pursuant to s.14 may only be sold upon production of a medical prescription, which shall be kept by the pharmacist, save where otherwise provided by Table IV in the official pharmacopoeia.

2. The substances set forth in Table IV pursuant to s.14 can only be sold against a medical prescription.

3. Anyone infringing the provisions of subsections (1) and (2) is liable to a fine of between 50,000 and 500,000 lire.

4. The authorized drugs list of the National Health Service shall indicate with an asterisk all the specialities and the branded drugs which contain the substances included in the six tables pursuant to s.14.

PART VIII

PENALTIES FOR ILLICIT ACTIVITIES

CHAPTER I

CRIMINAL PROVISIONS AND ADMINISTRATIVE SANCTIONS

Section 72

(Law No. 162 of 26 June 1990, s.13(1))

Illicit activities

1. The personal use of the narcotic and psychotropic substances set forth in Tables I, II, III and VI pursuant to s.14, is prohibited. The use of any narcotic and psychotropic substances which are not authorized pursuant to the provisions of this Act is also prohibited.

2. The therapeutic use of medicinal preparations based on the narcotic and psychotropic substances referred to in subsection (1), which are duly prescribed according to the treatment requirements for particular pathological conditions of the patient, is permitted.

Section 73

(Law No. 162 of 26 June 1990, s.14(1))

The illicit production and traffic of narcotic and psychotropic substances

1. Anyone who, without the authorization referred to in s.17, cultivates, produces, manufactures, extracts, refines, sells, offers for sale or places on sale, assigns or receives in any manner whatsoever, distributes, markets, acquires, transports, exports, imports, procures for others, sends, passes, or ships in transit, delivers for any purpose or in any way unlawfully possesses the narcotic and psychotropic substances set forth in Tables I and III pursuant to s.14, save where the provisions of s.75 and s.76 apply, shall be liable to imprisonment for between eight and 20 years, and a fine of between 50 million and 500 million lire.

2. Anyone who, while being in possession of the permit referred to in s.17, unlawfully assigns, places on sale or enables others to market the substances or preparations set forth in subsection (1) shall be liable to imprisonment for between eight and 22 years and a fine of between 50 and 600 million lire.

3. The same penalties shall apply to anyone who cultivates, produces, or manufactures narcotic and psychotropic substances other than those set forth in the decree of authorization.

4. If any of the actions provided by subsections (1), (2) and (3) relate to the narcotic and psychotropic substances set forth in Tables II and IV pursuant to s.14, the offender may be imprisoned for between two and six years and be fined between 10 million and 150 million lire.

5. When the facts committed pursuant to this section involve only small quantities, in terms of the means, modalities or circumstances, or the quality or quantity of the substances involved, the terms of imprisonment shall be between one and six years and the fine between 5 million and 50 million lire in the case of the narcotic and psychotropic substances referred to in Tables I and III pursuant to s.14, or imprisonment of between six months and four years and a fine of between 2 million and 20 million lire in the case of the substances set forth in Tables II and IV.

6. If three or more persons conspire to commit the offence the penalties are increased.

7. The penalties provided by subsections (1) to (6) shall be reduced by between one half and two thirds in respect of persons who take action to prevent the criminal offence from creating further damage, by actively helping the police or the judiciary in coming into possession of resources stemming from the commission of the criminal offences.

Section 74

(Law No. 162 of 26 June 1990, s.14(1) and 38(2))

Conspiracy to unlawfully engage in the traffic of narcotic and psychotropic substances

1. When three or more persons conspire to commit several of the criminal offences listed in s.73, or promote, constitute, manage, organize or finance the conspiracy, they shall be liable to a term of imprisonment for this criminal offence of not less than 20 years.

2. Anyone who takes part in a conspiracy shall be imprisoned for a period of not less than 10 years.

3. The penalties shall be increased if the number of persons involved is 10 or more, or if there are abusers of the narcotic and psychotropic substances among the conspirators.

4. If the conspirators are armed, in the cases indicated in subsections (1) and (3) the penalty may not be less than 24 years' imprisonment, and in the case provided by subsection (2), not less than 12 years' imprisonment. The conspiracy shall be considered armed when the conspirators have arms or explosives at their disposal, even if these are concealed or stored elsewhere.

5. The penalties increase in the event that the circumstance provided by s.80(1)(e) obtains.

6. If the conspiracy is designed to commit the felonies described in s.73(5), the provisions of Article 416(1) and (2) of the Criminal Code shall apply.

7. The penalties provided by subsections (1) to (6) inclusive shall be reduced by between one half and two thirds in the case of persons who actively cooperate to provide evidence or to deprive the conspirators of resources which are essential for the commission of a criminal offence.

8. When the criminal offence created by s.75 of Law No. 685 of 22 December 1975, repealed by s.38(1) of Law No. 162 of 26 June 1990, is referred to in Laws and Decrees, this reference shall be construed to refer to this section.

Section 75

(Law No. 162 of 26 June 1990, s.15(1), (2) and (3))

Administrative sanctions

1. Anyone who unlawfully imports, acquires or in any way possesses narcotic and psychotropic substances in doses no greater than the daily average requirement for personal use alone, calculated on the basis of the criteria set forth in s.78(1), shall be liable to the administrative sanction of loss of driving licence, of arms licence, passport and any other equivalent document, and in the case of a foreign national, the loss of the residence permit for tourism, or the prohibition on obtaining said documents for a period of between two and four months, if the narcotic and psychotropic substances are those set forth in Tables I and III pursuant to s.14, and for a period of between one and three months if the substances are the narcotic and psychotropic substances set forth in Tables II and IV pursuant to s.14. The Prefect of the place where the offence is committed is responsible for applying the administrative sanction.

2. If the offences provided by subsection (1) relate to the substances set forth in Tables II and IV, and the evidence indicates that the person will in future abstain from committing them again, in place of the penalty, and for one time only, the Prefect shall

settle the matter by formally inviting the offender not to use the substances again, warning him of the consequences of his action.

3. At all events, if the person is under age and if it is not useful to apply the penalty referred to in subsection (1), the Prefect shall settle the procedure by formally inviting the minor not to use the narcotic and psychotropic substances again, warning him of the consequences of his action.

4. As far as they are compatible, the provisions of Part I, Chapter II, and section 62 of Law No. 689 of 24 November 1981 shall apply. The Prefect shall also make the notification provided by s.121(2).

5. Having ascertained the facts, the police responsible for the investigation shall immediately charge the persons concerned and if possible report to the Prefect without delay.

6. Within five days of being notified the Prefect shall summon the person concerned to appear before him, or a person delegated by him, in order to ascertain the reasons for the offence and to identify any measures which will be useful to prevent further offences. In so doing the Prefect shall be assisted by the personnel from an operational unit set up in every Prefecture.

7. The investigating police may invite the person who has been charged to present himself immediately before the Prefect or his delegate in order to be interviewed as provided by subsection (6).

8. If the person is a minor, the Prefect shall, if possible and appropriate, also convene members of his family, and shall inform them of the circumstances and notify them of the therapeutic facilities and rehabilitation facilities which exist in the territory of the province and shall encourage them to make contact with them.

9. The Prefect shall, where the person concerned voluntarily asks to take a therapeutic and rehabilitation programme pursuant to s.122, and this is deemed advisable, suspend the measure and issue instructions so that the person concerned may be sent to the public service for the treatment of drug dependence so that the programme can be arranged for him, establishing a deadline date by which he shall attend, and ensuring that all the data required is collected in order to report on the behaviour of the person concerned during the programme, notwithstanding the professional secrecy which is required by current legislation for the purposes of every provision of this Act.

10. The Prefect shall commission the Local Health Boards (USL) and any other structure with its offices in the province and which performs preventive and rehabilitation work. He may seek information from these facilities in order to appraise the appropriateness of the treatment.

11. If the person concerned has already taken part in the programme and has complied with the instructions and has completed it, the Prefect shall order the matter to be closed.

12. If the person concerned fails to attend the public facility for drug dependence by the date indicated, or if he fails to begin the programme as ordered or interrupts it without good reason, the Prefect shall convene him once again and invite him to comply with the programme, informing him of the consequences which may otherwise await him. If he fails to appear before the Prefect, or refuses to accept the programme, or once again interrupts it without good reason, the Prefect shall report the matter to the public prosecutor at the Pretura court or the juvenile court, and shall forward the case papers so that the measures provided by s.76 may be applied. He shall take the same action when the offences provided by subsections (1) and (2) of this section are committed for the third time.

13. The investigations and the acts provided in the subsections above may only be performed for the application of the measures and penalties provided by this section and s.76.

14. The person concerned may ask to see and obtain a copy of the documents referred to in this section which solely relate to him. If the documents relate to several persons, he may obtain extracts from the papers of parts referring solely to his situation.

15. Until the operational units are constituted, the Prefect shall work through the Local Health Boards (USL) and the other structures referred to in subsection (10), also in relation to the interview referred to in subsection (6).

16. For all requirements relating to the duties vested in the Prefect, the Government is empowered to issue secondary legislation within 90 days of the entry into force of Law No. 162 of 26 June 1990, observing the following principles and guidelines:

(a) Provision shall be made for the institution of social workers, numbering not more than 200, as civil servants employed by the Ministry of the Interior, to carry out the formalities in the prefectures referred to in this section, and the activities to be

performed in conjunction with the public drug dependence service and other structures operating in their province;

(b) Provision shall be made for the functional qualifications and professional profiles for the personnel referred to in subsection (16)(a), in accordance with the principles laid down by current legislation for permanent civil servants with the Ministry of the Interior;

(c) Provision shall be made to cover the newly instituted posts for which the Ministry of the Interior is authorized to hold a public competitive exam observing the procedures provided by s.20, final paragraph and s.13 of the Decree of the President of the Republic, No. 340 of 24 April 1982;

(d) Provision shall be made to enable the Prefect to use voluntary personnel after ensuring their proven competence in the field of rehabilitating drug abusers.

17. The costs deriving from the implementation of subsection (16)(a) are estimated at 6,050 million lire per year as from 1991.

Section 76

(Law No. 162 of 26 June 1990, s.16(1))

Court proceedings. Criminal penalties for non-compliance

1. Anyone who, after the second invitation from the Prefect provided by s.75(12), refuses to attend or interrupts the therapeutic and social rehabilitation programme shall, for a period of between three and eight months in the case of narcotic and psychotropic substances indicated in Tables I and III pursuant to s.14, or a period of from two to four months in the case of the substances set out in Tables II and IV pursuant to s.14, be subject to one or more of the following measures:

(a) A prohibition on leaving the municipality of residence, without permission which shall be requested by the person concerned for demonstrable reasons of treatment and rehabilitation;

(b) The obligation to report at least twice a week to the local police station or carabinieri post having jurisdiction;

(c) The obligation to return home, or to some other private dwelling, by a given time of day and not leave the dwelling earlier than another pre-established time;

(d) A prohibition on frequenting public places indicated in the decree;

(e) Withdrawal of the driving licence, arms licence, arms licence and a prohibition on possessing weapons of any kind, and the withdrawal of the passport and any equivalent document;

(f) An obligation to undertake unpaid community work for at least one working day a week, on behalf of the Government, regional and provincial authorities, municipalities or agencies and organizations providing welfare, educational services, civil protection, environmental protection, after special contracts have been drafted, where necessary, with the Ministry of the Interior;

(g) The vehicles, if owned by the offender, in which the substances have been transported or stored, shall be sequestrated, and the narcotic and psychotropic substances shall, in all circumstances, be confiscated;

(h) The offender shall be entrusted to the social services as provided by s.47(5) and (10) of Law No. 354 of 26 July 1975, as replaced by s.11 of Law No. 663 of 10 October 1986;

(i) The residence permit issued to the foreign national for the purposes of tourism shall be suspended.

2. The same measures shall be taken in respect of anyone on whom the administrative sanctions provided by s.75 have already been inflicted twice, and commits any one of the offences provided by subsection (1) of s.75.

3. If the measure relates to a minor, the parents or the person in loco parentis shall be informed.

4. The "pretore" judge of the place in which the offence is committed has jurisdiction to impose the penalty or, in the case of minors, the juvenile court.

5. The judge shall issue a reasoned decree, after having acquired all the information from the operational unit of the prefecture and from the public service for drug addiction, observing where applicable the provisions of s.666 of the Code of Criminal Procedure. The offender may appeal against the decree. The appeal shall not suspend the implementation of the decree, unless the issuing judge gives leave.

6. When adopting the measures, modifying them in accordance with any needs which emerge or when authorizing exceptions to them, the judge shall take account of the demands of any therapeutic and social rehabilitation programme to which the offender has been invited to submit or to which he submits voluntarily, as well as the requirements of work, study, family and health.

7. At the offender's request, the judge may suspend the measure and order him to be sent to the public service for drug addiction in order to take part in the programme referred to in s.1222, establishing a deadline date for presentation and successively acquiring reports on his conduct during the programme.

8. The judge shall revoke the suspension and order the resumption of the measures whenever he ascertains that the person has not cooperated in defining the programme or has refused to take the programme or has interrupted it, or who adopts an attitude which is incompatible with the sound performance of the programme.

9. If the offender takes the programme, and complies with the instructions, and completes it, the judge shall order the matter to be closed.

10. The closing of a procedure pursuant to subsection (9) cannot take place more than once in respect of the same individual.

11. The procedure under which the measures provided by subsection (1) are taken against the offender shall not be recorded in the public criminal records register, but shall be noted in a special register solely for the purpose of applying the measures and the sanctions referred to in this section.

12. Anyone who violates the instructions imposed under subsection (1) shall be liable to imprisonment for up to three months or a fine of up to 5 million lire.

Section 77

(Law No. 162 of 26 June 1990, s.16(1))

Discarding syringes

1. Anyone who abandons or discards syringes or other dangerous instruments used for the administration of narcotic and psychotropic substances in a public place, or a place open to the public, or in a private place which is in common use, or use by others, shall be liable to a fine of between 100,000 and 1 million lire.

Section 78

(Law No. 162 of 26 June 1990, ss.16(1) and (2))

Quantification of substances

1. The Minister of Health shall, after consultation with the Istituto Superiore di Sanità, issue a decree establishing:

(a) The diagnostic and forensic medical procedures for ascertaining the habitual use of narcotic and psychotropic substances;

(b) The methods for quantifying the usual doses administered in a 24-hour period;

(c) The maximum amounts of the active principal for average daily doses.

2. The decree shall be periodically updated as more information on the subject is acquired.

Section 79

(Law No. 162 of 26 June 1990, s.17(1))

Aiding and abetting the use of narcotic and psychotropic substances

1. Anyone who equips or permits the equipment of a public place or private premises of any kind to be used for groups of persons to use narcotic and psychotropic substances shall

be liable, by the mere fact itself, to a term of imprisonment of between three and 10 years and a fine of between 5 and 20 million lire in the case of substances set forth in Tables I and III pursuant to s.14, or a term of imprisonment of between one and four years and a fine of 5 to 50 million lire in the case of the substances set forth in Tables III and IV pursuant to s.14.

2. Anyone who has the use of a building, a room or a vehicle at his disposal and equips it or permits others to equip it to be used as a habitual meeting place for persons who use narcotic and psychotropic substances shall be liable to the same penalties as provided in subsection (1).

3. The penalty is increased by between one half and two thirds if minors are present at these gatherings.

4. In the case of licensed premises, the penalty shall include the closure of the licensed premises for a period of between two and five years.

5. The closure of the licensed premises may be ordered by the courts with a reasoned decision.

6. The closure of licensed premises may also be ordered as a precautionary measure by the Prefect having jurisdiction or by the Minister of Health, when the licensed premises are open or are being managed according to his measures for a period of not more than one year, notwithstanding at all events the orders that may be issued by the courts.

Section 80

(Law No. 162 of 26 June 1990, s.18(1))

Specific aggravating circumstances

1. The penalties provided for the offences given in s.73 shall be increased by between one third and one half:

(a) When the narcotic and psychotropic substances are delivered to or are in any way intended for minors;

(b) In the cases provided by article 112(1), (2), (3) and (4) of the Criminal Code;

(c) For persons who have induced a person who is addicted to narcotic and psychotropic substances to commit the crime or to cooperate in the commission of the crime;

(d) If the offence has been committed by a person bearing a weapon or in disguise;

(e) If the narcotic and psychotropic substances are adulterated or mixed with others in order to increase the potential hazard;

(f) If the supply or assignment is designed to obtain sexual services from drug addicts;

(g) If the supply or the assignment is made within or close to schools of whatever level, communities of young people, military barracks, prisons, hospitals, or facilities for treating and rehabilitating drug addicts.

2. If the fact involves substantial quantities of narcotic and psychotropic substances, the penalties shall be increased by between one half and two thirds; the penalty shall be 30 years' imprisonment when the offences provided by s.73(1), (2) and (3) refer to substantial quantities of narcotic and psychotropic substances and there are also the aggravating circumstances referred to in s.73(1)(e).

3. The penalty shall be increased by the same amount where the convicted person has used a weapon to commit the crime or to obtain for himself or for others the profit, the price or to evade conviction.

4. The provisions of Article 112(2) of the Criminal Code shall apply.

5. The penalties provided by s.76 shall be increased in the amount provided by this section when the circumstances therein provided obtain, except in relation to subsection (2).

Section 81

(Law No. 162 of 26 June 1990, s.19(1))

Aiding drug-takers in danger of death or injury

1. When the use of narcotic and psychotropic substances causes the death of or personal injuries to the person to whom they are administered, and someone is responsible pursuant to Articles 586, 589 or 590 of the Civil Code for having made the fact possible or having helped the person to take the substances, the penalties provided by those Articles, as well as those provided for the offences created by this Act which may have been committed in aiding and abetting the aforementioned activity, shall be reduced by one half and two thirds, if the offender has assisted the injured person and has promptly informed the health authorities or the police.

Section 82

(Law No. 162 of 26 June 1990, s.20(1))

Instigating, encouraging, and inducing minors to commit a criminal offence

1. Anyone who publicly encourages the unlawful use of narcotic and psychotropic substances or, even in private, tries to persuade other persons to use said substances, or induces a person to use them, shall be liable for a term of imprisonment of between one and six years and a fine of between 2 and 10 million lire.

2. The penalties shall be increased if this involves a minor, or is committed within or near a school of whatever level, young people's communities or military barracks. The penalty is also increased if the offence is committed inside a prison, hospital or social and health-care services.

3. The penalty is doubled if the offence is committed with a minor under the age of 14 years, a person who is manifestly incapable or a person who is entrusted to the offender for the purposes of treatment, education, training, supervision or custody.

4. If the offence relates to the substances set forth in Tables II and IV pursuant to s.14, the penalties provided in subsections (1), (2) and (3) shall be reduced by between one third and one half.

Section 83

(Law No. 685 of 22 December 1975, s.77)

Unlawful issue of prescriptions

1. The penalties provided by s.73(1), (4) and (5) also apply to a physician, surgeon or veterinary surgeon who issues prescriptions for the narcotic and psychotropic substances therein indicated for non-therapeutic use.

Section 84

(Law No. 162 of 26 June 1990, s.21(1))

Prohibition on advertising

1. Advertising the substances or preparations set forth in the tables pursuant to s.14, even indirectly, is prohibited. Advertising shall not be construed to include creative works which are not designed for publicity purposes, and which are protected by the Copyright Act No. 633 of 22 April 1941.

2. The offender shall be liable for a fine of between 10 and 50 million lire, provided that the provisions of s.82 do not apply.

3. Any revenues from the fines referred to in subsection (2) shall be paid into the National Drug Control Fund, pursuant to s.127.

Section 85

(Law No. 162 of 26 June 1990, s.22(1))

Accessory penalties

1. When the court convicts an offender on any count relating to ss.73, 74, 79 and 82, it may also prohibit the offender from leaving the country and may withdraw the driving licence for a period of not more than three years.

2. The same provisions shall also apply with regard to the recognition, pursuant to Article 12 of the Criminal Code, of a foreign criminal conviction for any one of the criminal offences indicated above.

3. The measure under which a fine is imposed, or the measure defining or suspending the procedure pursuant to the terms of this Act, shall at all events include the confiscation of the substances.

Section 86

(Law No. 162 of 26 June 1990, s.23(1))

Expulsion of a convicted foreigner

1. The foreigner convicted for any one of the offences provided by ss.73, 74, 79 and 82(2) and (3) shall be expelled from the country upon completion of the penalty.

2. The same provision of expulsion from Italian territory may be adopted with regard to any foreign national who is condemned for one of the other criminal offences provided by this Act.

3. If the offender is found in flagrante delicto, pursuant to Article 382 of the Code of Criminal Procedure, with reference to the criminal offences provided by s.73(1), (2) and (5), the Prefect shall immediately order his expulsion and he shall be escorted to the border after the court convicting him has given approval.

CHAPTER II

PROVISIONS RELATING TO TRIAL AND ENFORCEMENT

Section 87

(Decree-Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.3(2))

Disposal of substances sequestrated by the judicial authorities

1. The authority ordering the sequestration shall immediately notify the Central Drug Control Service specifying the quantity and type of substances sequestrated.

2. When the sequestration order or the confirmation of sequestration issued by the judicial authority is no longer subject to reappraisal, the judicial authority shall order one or more samples to be taken, specifying the amounts of each sample, in compliance with the formalities provided by Article 364 of the Code of Criminal Procedure, and shall order the destruction of the remaining substances.

3. If the preservation of the substances referred to in subsection (2) is absolutely necessary for the pursuit of the investigations, the judicial authority shall issue an order to this effect giving the reasons therefor.

4. In all cases, the judicial authorities shall order the destruction of the narcotic and psychotropic substances.

5. For the destruction of the narcotic and psychotropic substances, the judicial authority shall use the appropriate public facilities, where these exist, or central Government authorities and shall order the judicial police to ensure that the operations are duly carried out. The report on the operations shall be sent to the convicting judicial authority and to the Ministry of Health.

6. Destruction shall take place using the technical procedures laid down by decree of the Minister of Health dated 19 July 1985, published in the Official Gazette No. 184 on 6 August 1985.

Section 88

(Decree-Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.3(3))

Disposal of samples of substances sequestrated

1. The Central Drug Control Service, established within the Department of Public Security, may request the judicial authorities to deliver a number of samples of the sequestrated substances. Other samples may be requested by individual police forces or by

the Ministry of Health through the Central Drug Control Service, giving the reasons therefor. The judicial authority shall comply with the request, if the quantities of the substances sequestrated make this possible, and if the requests have been received before the enforcement of the destruction order, giving priority to the request from the Central Drug Control Service, and shall establish the procedures for its delivery.

Section 89

(Decree-Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.4-quinquies, replaced by Article 275(5) of the Code of Criminal Procedure)

Restrictive measures imposed on drug addicts or alcoholics undergoing therapeutic programmes

1. Save where exceptional precautions need to be taken, preventive detention in prison may not be ordered when the offender is a drug addict or an alcoholic who is currently undergoing a programme of rehabilitation treatment in an authorized facility, and where the interruption of the programme might jeopardize the treatment of the offender. The court may, in the same ruling or with a subsequent one, lay down the controls required in order to ascertain that the drug addict or alcoholic is pursuing the rehabilitation and treatment programme.

Section 90

(Law No. 162 of 26 June 1990, s.2(1))

Suspension of the enforcement of the detention order

1. The court having responsibility for surveillance over a person condemned to a term of imprisonment of not more than three years, even if additional to a fine, for criminal offences committed in relation to his condition as a drug addict, may suspend the enforcement of the sentence for five years whenever it is ascertained that the person has undertaken or is undertaking a therapeutic and social rehabilitation programme. The same provision applies for the crimes provided by s.73(5) when the term of imprisonment, even if combined with a fine, does not exceed four years.

2. The suspension of the sentence may not be granted if, within the period running from the starting date of the programme, and the order suspending the sentence, the offender has committed another criminal offence, with malice, for which a statutory prison term is provided.

3. The suspension of the enforcement of the sentence renders inapplicable any security measures except in the case of confiscation. It does not cover the secondary punishments and the other penal effects of the sentence, nor any civil liabilities originating from the criminal act.

4. The suspension of the enforcement of the sentence may not be granted more than once, and in order to ascertain the existence of the conditions provided by subsection (1) the court may take account of the sum total of the terms of imprisonment imposed on several occasions, after the appeal procedure has been exhausted, before the application pursuant to s.91(1) is made.

Section 91

(Law No. 162 of 26 June 1990, s.24(1))

Application for suspended sentence

1. The suspension of the enforcement of a sentence is granted in response to an application submitted to the surveillance court of the place in which the convicted person resides.

2. The claimant shall also supply the certificate issued by the public service for drug dependency attesting to the type of therapeutic and social rehabilitation programme selected, identifying the facility, even if it is private, where the programme has been or is being provided, the procedures for its implementation and whether or not it has been completed.

3. If the court has not yet ordered the offender's imprisonment, or if the order has not yet been carried out, the claim shall be submitted to the public prosecutor who, provided the limits set forth in s.91(1) are not exceeded, shall suspend the issue or the enforcement of the imprisonment order until a decision is issued by the surveillance court, to which he shall immediately forward the case papers. The court shall decide within 45 days of the submission of the application.

4. The provisions of subsection (3) shall also apply when the application is submitted after the imprisonment order has been enforced. In this case the public prosecutor shall order the release of the prisoner, provided that the conviction does not exceed the limits provided by s.90(1).

Section 92

(Law No. 162 of 26 June 1990, s.24(2))

Procedure before the surveillance court

1. The surveillance court shall, after having appointed counsel to defend the convicted prisoner who requires legal defence, immediately decide the date for examining the application, giving prior notice to the applicant, the defence counsel and the public prosecutor at least five days in advance. If it is not possible to notify the convicted prisoner in the domicile indicated in the application, and he fails to put in an appearance, the court shall declare the application inadmissible.

2. For the purposes of the application, the surveillance court may acquire a copy of the case papers relating to the sentence and order inquiries into the therapeutic and social rehabilitation programme already undertaken.

3. The court order at the conclusion of the proceedings shall be immediately notified to the Public Prosecutor or to the "pretore" judge competent for its enforcement, who shall issue an imprisonment order if the suspension of the sentence is not granted.

Section 93

(Law No. 162 of 26 June 1990, s.24(1))

Spent conviction. Revocation of suspension

1. If the convicted offender takes part in a therapeutic programme and within five years following the suspension of his sentence does not commit another wilfully criminal offence for which imprisonment alone would be imposed, the sentence and any other penal effect thereof is deemed spent.

2. The suspension of the sentence shall be revoked de jure if the convicted offender withdraws from the programme without sound reasons, or if he commits another wilful criminal offence for which a prison term within the period specified in subsection (1).

Section 94

(Law No. 354 of 26 July 1975, s.42-bis, introduced by Article 4-ter of Decree-Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, as replaced by s.12 of Law No. 663 of 10 October 1986)

Probation in particular cases

1. If a prison sentence of not more than three years is to be imposed upon a drug addict or an alcoholic who is currently undergoing a rehabilitation programme, or intends to take one, the offender may ask at any time to be remanded on probation and entrusted to the social services in order to continue or to undertake the therapeutic activities according to a programme agreed by him with the Local Health Board (USL) or one of the agencies provided by s.115 or a private agency. The application shall be submitted together with a certificate issued by the public health facility attesting to his status as a drug addict or alcoholic and the appropriateness of the agreed programme for the purposes of rehabilitating the offender.

2. The provisions of s.91(3) and (4), and s.92(1) and (3) apply.

3. For the purposes of taking a decision, the surveillance tribunal may also request copies of the case papers and may undertake appropriate investigations into the agreed therapeutic programme; it shall also ascertain that the status of drug addict or alcoholic, or the organization of the rehabilitation programme have not been deliberately contrived in order to obtain this concession.

4. If the surveillance tribunal decides to remand the person on probation, the orders shall include those establishing the manner in which the programme shall be conducted. It shall lay down the instructions and procedures for supervision in order to ascertain that the drug addict or alcoholic attends the rehabilitation programme. The conviction shall be deemed to have commenced on the date on which the order for remand on probation is signed.

5. Remand on probation with the social services may not be ordered pursuant to the terms of this section more than twice.

6. Save where otherwise provided, the provisions of Law No. 354 of 26 July 1975, as amended by Law No. 663 of 10 June 1986, shall apply.

Section 95

(Law No. 162 of 26 June 1990, ss.24(2) and 30)

Enforcement of imprisonment order on a drug addict

1. The prison term imposed on a person convicted of criminal offences committed in relation to his status as a drug addict shall be served in an appropriate institution for the prisoner to be able to undergo therapeutic and social rehabilitation programmes.

2. By decree of the Minister of Justice, appropriate prisons shall be acquired, and these shall be set aside for drug addicts who have been convicted, even if subject to appeal.

Section 96

(Law No. 685 of 22 December 1975, s.84, Decree-Law No. 144 of 22 April 1985, enacted with amendments by Law No. 297 of 21 June 1985 s.4-quater, Law No. 162 of 26 June 1990, s.24(2) and 29(1), Ministerial Decree No. 334 of 30 September 1989, providing regulations for the Code of Civil Procedure, Article 9(1) and (2))

Social and health-care services for imprisoned drug addicts

1. Any persons who are in preventive detention or serving a prison sentence for criminal offences committed in relation to their status as drug addicts or who are deemed by the health-care authorities to be habitual users of narcotic and psychotropic substances, or in any way suffer from drug dependence problems, are entitled to medical treatment and assistance needed within the prison institutions designed for their rehabilitation.

2. The provisions of subsection (1) also apply to drug addicts who are not eligible for the alternative penalties provided by s.90 and s.94 for pursuing or undergoing therapeutic programmes to which they are subject or intend to subject themselves, because of a statutory prohibition or as a result of a court order.

3. The Local Health Boards (USL) by agreement with the prison authorities and in conjunction with the prison's internal health services shall be responsible for treating and for the rehabilitation of drug-addicted or alcoholic prisoners.

4. For this purpose, the Minister of Justice shall issue a decree for the organization, on a territorial basis, for appropriately equipped prison units, by agreement with the regional government authorities having jurisdiction and the centres referred to in s.115.

5. Directors of prisons are required to notify the regional medical and social welfare centres having competence of any released prisoners who are still in need of treatment and assistance.

6. The prison administration is responsible for paying the maintenance, treatment and medical assistance costs of any person under house arrest where this measure is carried out in a therapeutic community or a rehabilitation centre selected from among those belonging to the register pursuant to s.116, by decree of the Minister of Justice after consultation with the regions concerned.

CHAPTER III

POLICING OPERATIONS AND THE DESTINATION OF CONFISCATED OR SEQUESTRATED PROPERTY AND SECURITIES

Section 97

(Law No. 162 of 26 June 1990, s.25(1))

Simulation of drug acquisition

1. Notwithstanding the provisions of Article 51 of the Criminal Code, officers of the investigating police working for the courts in the specialized drug control units shall not be punishable where, for the sole purpose of acquiring evidence in relation to the criminal offences provided by this Act, and in the performance of drug control operations specifically ordered by the Central Drug Control Service, or by agreement with it, by the chief of police or the commander of the carabinieri or the Guardia di Finanza or the tax police unit, proceed to acquire narcotic and psychotropic substances. Full details of the acquisition of narcotic and psychotropic substances shall be immediately reported to the Central Drug Control Service

and the judicial authorities. The latter, if so requested by the judicial police, may issue a reasoned decree to postpone the sequestration order until the inquiries are completed.

Section 98

(Law No. 162 of 26 June 1990, s.25(1))

Delaying or waiving arrest warrants or sequestration orders. International cooperation

1. The judicial authority may, with a reasoned decree, delay the issue of, or order the delay in enforcing, arrest warrants or sequestration orders whenever it is necessary to acquire relevant proof or to identify or apprehend persons responsible for the criminal offences provided by s.73 and s.74.

2. For the same reasons the judicial police officers working with the specialized drug control units, as well as the customs authorities, may refrain from issuing or delay warrants within their jurisdiction, immediately notifying the judicial authorities thereof, even by telephone, so that the judicial authorities may decide otherwise; and notifying the Central Drug Control Service so that the necessary international cooperation may be established. The authorities responsible for the investigations shall issue a reasoned report to the judicial authorities within 48 hours.

3. The judicial authorities shall issue the general instructions needed to the judicial police to keep under surveillance the developments of the criminal activities, communicating the measures taken to the competent judicial authorities in the place in which the operation is to be concluded, or the judicial authorities competent for the place of entry into the State or exit from the State or transit of the narcotic and psychotropic substances referred into s.70.

4. In emergencies the provisions of subsections (1), (2) and (3) may also be issued verbally, but the relevant measure shall be issued within 24 hours thereafter.

Section 99

(Law No. 162 of 26 June 1990, s.25(1))

Requisition and seizure of ships and aircraft suspected of involvement in the unlawful traffic of narcotic and psychotropic substances

1. Italian warships or Italian ships on policing duties which meet any national vessel in territorial waters or on the high seas, including sports vessels, which are suspected of being used to transport narcotic and psychotropic substances, may stop it, board it and search it, capture it and order it to return to an Italian port or the nearest foreign port where an Italian consular office exists.

2. These powers may also be exercised over foreign registered vessels in Italian territorial waters, and outside territorial waters within the limits provided by international law.

3. The provisions of subsections (1) and (2) shall apply, where compatible, to aircraft.

Section 100

(Law No. 162 of 26 June 1990, s.25(1))

Destination of property sequestrated or confiscated as part of drug control operations

1. Any movable property entered in public registers, ships, boats, and aircraft sequestrated in the course of judicial drug control operations by the police may be entrusted to the investigating judicial authorities, and placed in judicial compounds under police supervision, if requested for the use of drug control policing operations; the judicial authorities may reject an application to this effect if the requirements of the judicial inquiries make this necessary.

2. If the property belongs to third parties, the owners shall be summoned by the judicial authorities responsible, so that, with the assistance of their legal counsel, they may examine the facts and request further information in order to restore the property to their owners. Where compatible, the provisions of the Code of Criminal Procedures shall apply.

3. Any costs relating to the management of the property and compulsory vehicle insurance, or insurance for boats and aircraft, shall be paid by the office or the command using them.

4. Any movable property or real estate acquired by the State following a definitive sequestration order shall be assigned upon request to the Administration to which the police authorities who have used them pursuant to subsections (1), (2) and (3) belong. They may also be assigned upon request to associations, communities or agencies responsible for the rehabilitation of drug addicts.

5. Any money which is acquired from the proceeds of sale of confiscated property shall be allocated as revenues to the central Government budget to be reallocated, in equal amounts, on the basis of specific requests to specific items of the budget of the Ministry of the Interior which shall appropriate them pursuant to the provisions of Decree-Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, and to the budget of the Ministry of Health, which is required to use the funds for the rehabilitation of drug addicts.

Section 101

(Law No. 162 of 26 June 1990, s.25(1))

Destination of securities and money confiscated following drug control operations

1. Any money confiscated as a result of a conviction for any one of the criminal offences created by this Act for the crime of substituting money or securities from the illicit traffic in narcotic and psychotropic substances or from conspiracy to engage in the illegal traffic of narcotic and psychotropic substances shall be used to increase activities to prevent and apprehend the persons responsible for the criminal offences provided by this Act, also at the international level, by cooperating and providing technical and operational assistance to the police forces of any countries concerned.

2. To this end, the Ministry of the Interior is authorized to implement annual plans, or parts of multi-year plans, to upgrade the activities of the Central Drug Control Service and the facilities and technological structures of the public security administration, the carabinieri and the Guardia di Finanza used to prevent and enforce the law against the unlawful traffic in narcotic and psychotropic substances.

3. The plans to upgrade these activities shall be drawn up on a coordinated and common basis planned by the public security administration and the police forces referred to in subsection (2), and shall be approved by Decree of the Minister of the Interior after consultation with the National Commission for Public Order and Security, referred to in s.18 of Law 121 of 1 April 1981, on which Committee the director of the Central Drug Control Service shall be required to participate.

4. For the purposes of this section, any money, as referred to in subsection (1) shall be appropriated as revenues to the State Budget in order to be assigned on the basis of specific requests to the specific budgetary items of the Ministry of the Interior under "public security".

Section 102

(Law No. 162 of 26 June 1990, s.25(1))

Notification of criminal proceedings

1. The Ministry of the Interior, either directly or through judicial police offices delegated for this purpose, may request the court having jurisdiction to supply copies of case papers and any other written information on their contents, which are deemed to be indispensable for the prevention or for the prompt identification of the criminal offences provided by this Act, and to collect and process data to be used for investigations into these offences.

2. The courts may forward copies of the papers and the information referred to in subsection (1), even at its own initiative. If requested, it shall supply them within 48 hours.

3. Copies of documents and information acquired pursuant to subsections (1) and (2) shall be treated in total confidentiality while the matter is sub judice, and may only be communicated to the police authorities of foreign States with which specific agreements have been concluded with regard to controlling the unlawful traffic of narcotic and psychotropic substances and organized crime.

4. If the courts feel that they are not able to waive the provisions of Article 329 of the Code of Criminal Procedure with regard to secrecy, they shall issue a reasoned decree, ordering that the transmission of the information shall be delayed for the period of time which is deemed strictly necessary.

Section 103

(Law No. 162 of 26 June 1990, s.25(1))

Control and inspection

1. In order to ensure observance of the provisions of this Act, the officers and NCOs of the Guardia di Finanza may carry out any of the inspections and controls within the customs areas, pursuant to ss.19 and 20 of the Customs Act, enacted by Decree of the President of the Republic No. 43 of 23 January 1973, notwithstanding the provisions of s.2(1)(o) of Law No. 349 of 10 October 1989.

2. In addition to the provisions of subsection (1), the officers and agents of the judicial police, in the course of their policing operations to prevent and punish the unlawful traffic of narcotic and psychotropic substances, may control and inspect any vehicles, the baggage compartments thereof and the personal effects of the passengers, in any place, when they have good reasons for believing that narcotic and psychotropic substances may be found there. A specific report shall be drawn up on the official forms giving the results of the control and the inspections, which shall be sent within 48 hours to the public prosecutor who, where the conditions obtain, shall validate them within 48 hours. For the purposes of the application of this subsection, the Minister of the Interior, jointly with the Ministers of Defence and Finance, shall issue a decree containing appropriate regulations for coordination, in respect of the institutional powers and duties involved.

3. The judicial police officials, whenever grounds exist requiring urgent action to be taken, such that it is not possible to request authorization by telephone from the judge having jurisdiction, may also carry out searches, notifying the public prosecutor, without delay and at all events within 48 hours, if the grounds therefor exist to validate the measure taken by them.

4. Officials and officers of the judicial police who have carried out controls, inspections and searches pursuant to subsections (2) and (3) are required to immediately give to the person concerned a copy of the report on the activity undertaken by them.

PART IX

INFORMATION AND EDUCATION

CHAPTER I

PROVISIONS RELATING TO SCHOOLS

Section 104

(Law No. 162 of 26 June 1990, s.26(1))

Promotion and coordination of nationwide educational and information activities

1. The Ministry of Education shall promote and coordinate health education activities and information on the harm caused by alcoholism, tobacco addiction, and the use of narcotic and psychotropic substances, and the pathologies associated with them.

2. The activities pursuant to subsection (1) shall form part of the normal educational and teaching programmes, by providing specific lessons on these themes in the school curriculum.

3. The Minister of Education shall adopt annual programmes, tailored to meet the different types of initiative and the related applicational methodologies, to promote activities to be carried out in the schools on the basis of the proposals made by a specific technical/scientific committee established by decree of the Minister of Education, composed of 25 members, of whom 28 shall be experts in the field of prevention, including at least one expert in the mass media, and representatives of central Government departments involved in the control, punishment and rehabilitation in respect of the matters referred to in subsection (1) and seven representatives of associations of young people and parents.

4. This committee, which shall work either as a whole, or through working parties identified in the decree instituting it, shall be required to take responsibility for drafting programmes in respect of the following:

(a) Preventive educational work;

(b) The use of teaching aids, with particular reference to text books, audio-visuals, and the mass media;

(c) Encouraging cultural, recreational and sports activities which may also take place outside the school;

(d) Coordinating activities with those promoted and implemented by other public administrations, with particular reference to primary prevention.

5. When specific matters are being discussed by the committee, representatives of the regional governments, the autonomous provinces and municipal authorities may also be invited to attend.

6. When drafting and updating refresher and basic training plans for school personnel, priority shall be given to initiatives relating to health education and the prevention of drug addiction.

Section 105

(Law No. 162 of 26 June 1990, s.26(1))

The promotion and coordination of provincial educational and prevention initiatives. Courses for teachers and experimental middle school courses

1. The provincial education officer shall promote and coordinate the implementation of the initiatives provided in the annual programmes and those which may be adopted by schools acting autonomously, at the provincial level.

2. In the performance of these duties, the provincial education officer shall use the services of a provincial technical committee or, depending upon the local or inter-district requirements, he may use the services of district or inter-district committees, established by his own decree, whose members shall be chosen from among experts in the field of health education and the prevention and rehabilitation of drug addicts, and representatives of family associations. These committees shall comprise seven members.

3. Representatives of the police, local government and the Local Health Boards, as well as representatives of youth associations, may also be invited to attend the meetings of these committees.

4. The collegiate school bodies, in full respect for their statutory autonomy, may also take part in implementing these initiatives. The school institutions concerned may also make use of the technical inspectorate service.

5. The provincial education officer, by agreement with the provincial school council, and after consultation with the provincial technical committee, shall organize courses for teachers of all the schools on health education and the damage deriving to young people from the use of narcotic and psychotropic substances, and crime as a whole, with the support of audio-visuals and printed matter. To this end he may use the funds at his disposal to conclude specific contracts with local agencies, universities, research establishments and agencies, social solidarity cooperatives and associations registered with the regional or provincial Register to be instituted pursuant to the provisions of s.116.

6. The experimental State-run middle school courses for workers may also be instituted in the agencies, social solidarity cooperatives and associations registered with the Register pursuant to Article 116, according to the availability and the procedures for holding these courses pursuant to current legislation. The courses shall also be designed to find work or re-train persons for work.

7. The use of permanent teaching staff, pursuant to s.14, the final subsection, of Law No. 270, of 20 May 1982, may also be ordered, with a maximum of 100 persons, in order to provide coaching and to acquire education experience, which may also be held by agencies and the associations registered with the Register pursuant to s.116, provided that the personnel have attended the courses referred to in subsection (5) and have certificates to prove it.

8. The Minister of Education shall allocate funds to the provincial education officers each year, in proportion to their school population, for health education and education in the prevention of drug dependence, to be shared among individual schools on the basis of the criteria drafted by the provincial committees, with particular relation to the initiatives referred to in s.106.

9. The operating costs of the technical scientific committee pursuant to s.104 and the committees referred to in this section are estimated to be 4 billion lire per year as from 1990. The Minister of Education shall, by issuing a decree, govern the institution and the operation of the technical/scientific committee and the provincial, district and inter-district committees, and the payment of a remuneration to the members of those committees.

Section 106

(Law No. 162 of 26 June 1990, s.26(1))

School information and counselling centres.
Initiatives by student leaders

1. The provincial education officers shall, by agreement with school councils and the public services for social and health-care assistance to drug addicts, set up information and counselling centres for students within high schools.

2. These centres may carry out projects for information activities and counselling agreed by the school councils and the public services and the auxiliary agencies present locally. The information and counselling shall be offered with total confidentiality to anyone requiring it.

3. Groups of at least 20 students, even from different courses and classes, may propose schemes to be carried out within this school with the cooperation of the teaching staff who have declared their willingness, in order to meet the requirements of education and training, specialization and guidance with regard to the subjects relating to health education and the prevention of drug addiction. When drafting the proposals, these groups may express their preference with regard to specific teachers to be requested to cooperate in these schemes.

4. The initiatives referred to in subsection (3) form part of those provided by article 6(2)(d) of the Decree of the President of the Republic No. 416 of 31 May 1974, and are those which shall be adopted by the school council, after hearing the opinion of the teachers' council as far as the educational aspects are concerned.

5. The participation of the students in the schemes which are carried out after school hours is voluntary.

CHAPTER II

PROVISIONS RELATING TO THE ARMED FORCES

Section 107

(Law No. 162 of 26 June 1990, s.26(1))

Training and information centres

1. The Ministry of Defence shall promote training courses in sociology and psychology for all the medical officers and students of the nursing schools, and for officials and NCOs whose responsibilities are for training expert personnel to protect the physical and psychological health of young people in the armed forces. It should also organize study sessions on group psychology and specific sociological issues, as well as workshops on youth deviance and drug dependency to be held periodically for the continuing education and as refresher courses for the officer corps.

2. The Ministry of Defence shall also organize, in the academies, military schools, military medical schools, commands and military agencies, information courses on the damage caused by the use of narcotic and psychotropic substances, alcohol and tobacco, incorporating them into the broader context of civic and health-care education which is provided for young people doing their compulsory military service, and providing global information regarding the criminal activities relating to the traffic of narcotic and psychotropic substances. This information shall also be given through regular campaigns, with lectures given by medical officers to young men undergoing military service, with the support of audio-visuals and printed matter.

Section 108

(Law No. 162 of 26 June 1990, s.26(1))

Prevention and health checks

1. The Ministry of Defence, through counsellors and the psychology units of the armed forces, shall carry out preventive action against drug dependence.

2. During medical examination for compulsory military service, or voluntary recruitment, if any case of drug dependency or drug habituality is discovered, the military authorities responsible for the medical examination and the psychological and attitudinal tests shall send the person concerned to a military hospital for appropriate examination.

3. The same also applies to the military health authorities whenever members of the armed forces undergo regular medical examinations and checks to ensure their suitability for specific duties or categories.

Section 109

(Law No. 162 of 26 June 1990, s.26(1))

Drug addiction among persons registering or enrolling for military service, and members of the armed forces on active service, or when resuming active service, or in permanent service

1. Persons eligible for military service, and military servicemen who are found by the military hospitals to be drug dependent or to be users of narcotic and psychotropic substances, may be deferred to a subsequent call-up during a maximum of three years thereafter as an exception to the provisions of articles 40 and 41 of the list approved by Decree of the President of the Republic No. 1008 of 2 September 1985, and article 69 of Decree of the President of the Republic No. 237 of 14 February 1964.

2. The persons referred to in subsection (1) shall be reported by the military health authorities to the Local Health Boards (USL) responsible for encouraging them to volunteer to undergo treatment for their social rehabilitation unit for drug dependence.

3. Military servicemen and those eligible for military service who are already recognized as being drug addicts by the civilian health authorities, and who can show that they are undergoing treatment for their condition in an authorized civilian rehabilitation centre may have their military service medical examination deferred for a maximum of three years, after being examined by the competent military health authorities.

4. Military servicemen and those eligible for military service who are found to be fit for military service after the period of deferral provided for the rehabilitation of drug addicts may, on request, acquire a dispensation from military service pursuant to the provisions of article 100 of Decree of the President of the Republic No. 237 of 14 February 1964, as replaced by s.7 of Law No. 958 of 24 December 1986, regardless of the priority order provided therein.

5. Servicemen who are already enrolled, and who are recognized as drug addicts by the military hospitals, shall be given sick leave until the date of demobilization of their particular class, and the leave shall be calculated for the purposes of enabling them to complete their obligation to do military service as an exception to the provisions of s.24(8) of Law No. 958 of 24 December 1986. These military servicemen shall also be reported to the competent Local Health Boards (USL) in order to facilitate their voluntary acceptance of a rehabilitation programme.

6. Servicemen on long-term contract, or who have renewed their service contract, or who are on permanent service, and who are recognized to be drug dependent and declare their readiness to seek treatment for their social and health-care rehabilitation shall be given an extraordinary convalescence leave and subsequently, if appropriate, they shall be suspended from service for a maximum period according to present legislation. At the end of the period of treatment they will undergo medical tests in order to ascertain whether they are fit for military service.

7. The military referred to in this section who are recognized as being habitual users of drugs shall be provided with support and health education facilities in the military counselling units.

8. The functions of the judicial police in relation to preventing and punishing the criminal offences created by this Act which are committed by military servicemen on military property, shall be carried out only by the corps commanders ranking above subalterns.

9. All the schemes provided by Chapter II in Part X of this Act shall be performed with total respect for privacy and confidentiality.

Section 110

(Law No. 162 of 26 June 1990, s.26(1))

Civilian service

1. Any person who is dependent on narcotic and pscyhotropic substances who, at the end of a rehabilitation course, is fit for military service may, at his own request, be admitted to the territorial recruitment office of his own military district, and provided that the officers of the therapeutic community agree, may continue to perform civilian service by working voluntarily for a period equal to that of military service.

2. The period spent working in the therapeutic community or in another rehabilitation unit or counselling unit of the USL shall count as military service for all intents and purposes.

3. In the case of unjustified absence, the management of the therapeutic community or the head of the rehabilitation or counselling centre or unit of the USL shall report to the competent military authorities for the territory, who shall summon the person concerned to do military service.

4. The military authorities responsible for the territory may, at any time, carry out inspections in the therapeutic community or the rehabilitation or counselling centre of the USL to ensure that the person concerned is actually present.

5. At the end of the period of activity in the therapeutic community or the rehabilitation and counselling unit of the USL, the military authorities shall give the person concerned his full demobilization papers.

Section 111

(Law No. 162 of 26 June 1990, s.26(1))

Relations with the civilian social and health-care structures

1. Cooperation between the military and the civilian health-care structures working with drug dependants are required to ensure continuity in the assistance provided, and are required to encourage the social and health-care rehabilitation of the person concerned.

2. Statistical data on drug dependency gathered by the military authorities shall be sent every 12 months to the Ministries of Health and the Interior.

Section 112

(Law No. 162 of 26 June 1990, s.26(1))

Alternative civilian service with social and health-care assistance agencies and associations

1. Conscientious objectors taking advantage of the provisions of Law 772 of 15 December 1972, as subsequently amended and integrated, may ask to perform alternative civilian service with civilian centres authorized by contract with the defence ministry, which provide social, health-care assistance and rehabilitation for persons using narcotic and psychotropic substances.

PART X

REGIONAL, PROVINCIAL AND LOCAL AUTHORITIES' POWERS. SERVICES FOR DRUG DEPENDENCE

Section 113

(Law No. 162 of 26 June 1990, s.28(1))

Prevention and the responsibilities of autonomous regional and provincial authorities

1. Prevention and action to control the use of narcotic and psychotropic substances shall be performed by the regional governments and the autonomous provinces of Trent and Bolzano following the principles of this Act. The regions, exercising their own powers with regard to public services for the social and health-care assistance provided to drug addicts, shall perform, inter alia, the following functions:

(a) Analysing the clinical, social, health-care and psychological conditions of the drug addict, also in his relations with his family;

(b) Conducting clinical and laboratory tests required to ascertain the status of drug dependence;

(c) Identifying the pharmacological programme or the treatment therapies and diagnosis of existing pathologies, with particular regard to the early diagnosis of any pathologies related to drug dependence;

(d) Drafting, implementing and monitoring a therapeutic and social rehabilitation programme, to be performed in various other structures identified by the region;

(e) Designing and implementing directly or indirectly information and prevention activities;

(f) Providing lists of public and private facilities working for drug addicts, and linking them, the services and, where they exist, consortia, centres and associations pursuant to s.114;

(g) Collecting statistical data on the work performed by the services.

2. These services, which shall be instituted by the USLs, working individually or collectively, shall be interdisciplinary in character and use the services of qualified personnel for the diagnosis, treatment and rehabilitation of drug addicts.

Section 114

(Law No. 162 of 26 June 1990, s.28(1))

The duties of the local authorities to provide assistance

1. As part of the social welfare functions vested in municipalities and the mountain communities, using the services where possible of the associations referred to in s.115, also through their consortia, or through special centres managed by themselves or through their associations, without being managed for profit, recognized or eligible for recognition, they shall pursue the following objectives with regard to the prevention and rehabilitation of drug addicts:

(a) Preventing marginalization and social deviance by designing and implementing, directly and indirectly, programmed schemes;

(b) Collecting and analysing data, in conjunction with the school authorities, on the local causes of deprivation in the family and society, which encourage the deviance of young people and failure to attend school;

(c) Enabling drug addicts to attend school, find work and be incorporated into society.

2. The pursuit of the objectives provided in subsection (1) may also be entrusted by municipalities and mountain communities or their associations to the competent USL.

Section 115

(Law No. 162 of 26 June 1990, s.28(1))

Ancillary agencies

1. The municipalities, the mountain communities, their consortia and associations, public services for drug addicts created by USL, individually or in association, and the centres provided by s.114 may use the cooperation of groups of volunteers, or ancillary agencies referred to in s.116, which, being non-profit-making, perform their activities for the prevention of psychological and social deprivation, assistance, treatment, rehabilitation and re-insertion of drug addicts, or associations, agencies created by them for the purpose of educating young people, encouraging the social and cultural development of their personality, vocational training and job counselling.

2. The officials of the services and centres referred to in ss.113 and 114 may authorize appropriate people to frequent the services and centres in order to take part in the work of prevention, rehabilitation and social re-insertion on behalf of their clients.

Section 116

(Law No. 162 of 26 June 1990, s.28(1) and (2))

Regional and provincial registers

1. The regional governments and the autonomous provinces of Trent and Bolzano, in the exercise of their social and welfare functions, shall create a register of the agencies referred to in s.115 which manage facilities for the rehabilitation and re-insertion into society of drug addicts.

2. Registration with the Register is a statutory condition for them to perform the activities referred to in s.115, and is conditional upon the following minimum eligibility criteria:

(a) Legal personality under public law or private law, or as an association which is recognized or eligible for recognition pursuant to article 12 et seq. of the Civil Code;

(b) The availability of premises and appropriate facilities for the type of activity to be performed;

(c) Adequate manning levels with appropriate qualifications to deal with drug addicts.

3. Refusal to permit registration with the Register shall be motivated with express reference to the possession of the minimum eligibility requirements referred to in subsection (2) and to the possession of any specific eligibility requirements under regional legislation pursuant to subsection (4).

4. The regions and autonomous provinces, taking account of the features of the authorization for each of the agencies referred to in s.115 shall lay down any specific eligibility requirements, procedures for ascertaining them and the certification of the eligibility requirements under (b) and (c) of subsection (2), and any causes for cancellation from the Register.

5. The agencies and associations registered with the Register who have several operational offices in Italy or abroad shall record them separately in the Register for the respective territory; these offices shall comply with all the requisites in subsection (2)(b) and (c). As far as foreign-based operational offices are concerned the Register having territorial jurisdiction with which the head office is registered, or alternatively the Register with which the first registration was made.

6. Registration with a Register is a necessary condition, not only for the conclusion of the conventions referred to in s.117, but also for the following:

(a) The use of the agencies for the purposes referred to in s.94;

(b) The use of the premises as private dwellings or dwellings pursuant to article 284 of the Code of Criminal Procedure and s.47-ter of Law No. 354 of 26 July 1975, taken together with s.13 of Law No. 663 of 10 October 1986;

(c) Eligibility for the grants referred to in sections 131 and 132;

(d) The institution of experimental State-run courses referred to in s.105(6) and the use of the teaching personnel referred to in the same section 105(7).

7. The regions and the autonomous provinces of Trent and Bolzano shall also set up special registers of agencies and persons who manage facilities, which are non-profit-making for the rehabilitation and re-insertion into society of drug addicts.

8. For the purposes referred to in s.65(1) of the Income Tax Act adopted by Decree of the President of the Republic of 22 December 1986, the regions and the autonomous provinces referred to in subsection (7) are empowered to receive the grants provided under s.2(a) of the same section. The regions and autonomous provinces shall share the sums received among the agencies referred to in s.115 according to their programmes submitted and the pre-established criteria laid down by their assemblies.

9. In the event that the regions and autonomous provinces fail to institute the registers pursuant to this section, the agencies referred to in s.115 shall be temporarily registered by the regions and the autonomous provinces, for the purposes of the benefits provided by that law, according to a notarial certificate attesting to their possession of the requisites referred to in subsection (2)(a) and the self-certification of the requisites referred to in subsections (2)(b) and (c). These agencies, when they are subsequently admitted to registration in the Registers, shall use the date of the other registration as the starting date for the purposes of seniority.

Section 117

(Law No. 162 of 26 June 1990, s.28(1))

Conventions

1. Performance of the functions of prevention, rehabilitation and re-insertion provided by ss.113 and 114, and the performance of any other initiative on the part of the region or local authorities may be effected under appropriate conventions to be concluded by the USL, agencies and centres referred to in s.114 and the agencies, social solidarity cooperatives or associations registered with the regional or provincial Register.

2. The conventions with agencies, social solidarity cooperatives and associations having their operational premises in a foreign territory shall also pay the costs of those

premises for any health-care assistance service. The conventions shall also include the obligation to notify the grantor agency of the number of persons assisted and the results obtained in the preventive and rehabilitation work.

3. The conventions shall be in accordance with the specimen convention drafted by the Minister of Health and the one drafted by the Minister of Justice for the purposes of s.94.

4. The activities of agencies, social solidarity cooperatives and associations in the performance of the conventions shall be effected in conjunction with the public service which has referred the drug addict to them and is subject to the control and supervision and policy guidelines of the region in the specific field.

Section 118

(Law No. 162 of 26 June 1990, s.27)

Organization of services for drug addicts in the USL

1. While awaiting the reorganization of legislation regarding the social services, the Minister of Health jointly with the Minister for Social Affairs, after consultation with the permanent conference on relations between central and regional government and the autonomous provinces of Trent and Bolzano, shall issue his own decree establishing the manning levels and organizational and functional features of services for drug addicts to be set up in each USL.

2. The decree shall comply with the following criteria:

(a) The manning levels of the services shall include the professional profiles of a physician, psychologist, social worker, nurse, professional educator and community educator, in sufficient numbers to be able to perform the preventive, treatment and rehabilitation work, both at home and in out-patient departments;

(b) The service shall operate 24 hours a day and shall coordinate all the work relating to the treatment of HIV-positive drug addicts, also in relation to the problems of sexuality, procreation and pregnancy, working jointly with family counsellors, with particular reference to the transmission of HIV infection from mother to child.

3. Within 60 days of issuing the decree referred to in subsection (1), each USL shall set up at least one drug dependence service in accordance with the provisions of said decree. Wherever the USL fails to provide within this deadline, the president of the regional government shall appoint a commissioner ad acta who shall set up the service, finding the necessary personnel, as an exception if necessary to current legislation regarding the hiring of staff, transfers and grading. Whenever, within 30 days following the end of the first period, the president of the regional government has failed to appoint the commissioner ad acta, he shall be appointed by decree of the Minister of Health.

4. To finance the upgrading of the public services for drug dependence, which is put at 30 billion lire for 1990 and 240 billion 600 million lire for each of the years 1991 and 1992, during the start-up phase, the following is provided:

(a) For 1990, the funding shall come from the national Drug Control Fund referred in s.127;

(b) For 1991 and 1992, from corresponding shares of the National Health Fund which is to be appropriated for the purposes pursuant to s.17 of Law No. 887 of 22 December 1984.

Section 119

(Law No. 162 of 26 June 1990, s.29(1))

Assistance to Italian drug addicts abroad

1. The Minister of Health, jointly with the Minister of Foreign Affairs, pursuant to the provisions of s.37 of Law No. 833 of 23 December 1978, shall, under bilateral conventions or agreements with individual countries, provide Italian drug addicts who are living abroad with immediate assistance and health care and, with their permission, will organize their return home to Italy notifying the competent Local Health Boards (USL) so that further assistance may be given.

PART XI

PREVENTIVE, CURATIVE AND REHABILITATION WORK

Section 120

(Law No. 162 of 26 June 1990, s.29(1))

Voluntary, anonymous treatment

1. Anyone who personally uses narcotic and psychotropic substances may request the public drug dependence service to be medically examined and for the definition of a therapeutic and social rehabilitation programme.

2. In the case of minors, or persons incapable of acting on their own behalf, the request for help may be made not only personally by the person concerned, but anyone acting *in loco parentis* or having a guardianship role.

3. At their request, the persons concerned may be treated anonymously in relations with the services and structures of the USL, and with the physicians, social workers and all the personnel and employees.

4. Persons exercising the medical profession assisting persons addicted to the use of narcotic and psychotropic substances may, at any time, make use of the services of the public drug dependence service.

5. At all events, save where otherwise provided in subsection (6), and after having informed the persons concerned of their rights to confidentiality as provided by subsections (3) and (6), they shall forward to the service a health record containing the personal particulars of the patient, including the occupation, educational level, medical history and diagnosis, and the results of tests and treatment.

6. Those who request anonymity are entitled to ensure that their health records do not contain any personal particulars or data which might be used to identify them.

7. Employees of the public drug dependence service may not be obliged to testify in courts of law or any other authority on any matters that have been disclosed to them in a professional capacity. The provisions of article 200 of the Code of Criminal Procedures shall also apply to them, and they shall also enjoy the guarantees provided for the defence counsel by the provisions of article 103 of the Code of Criminal Procedure where applicable. This also applies to persons working in agencies, centres, associations or groups who are party to the conventions referred to in s.117.

8. Every autonomous region or province shall draft a single, regional specimen health record card which shall be distributed through the professional associations of doctors, surgeons and dentists in every province, to all the hospitals and out-patient departments. The regions and the autonomous provinces shall ensure that the provisions of this subsection are implemented.

9. The specimen record card shall also include a code system which is able to ensure the anonymity of the patient and prevent the duplication of medical records.

Section 121

(Law No. 162 of 26 June 1990, s.29(1))

Notification to the public drug dependence service

1. The medical practitioner who examines or assists any person using narcotic and psychotropic substances shall notify the public drug dependence service with jurisdiction for the territory. This shall be done in full respect for anonymity.

2. The judicial authority or the Prefect shall, in the course of a trial, notify the public drug dependence service with competence for the territory of any person discovered who uses narcotic and psychotropic substances.

3. The public drug dependence service, in cases provided by subsection (2), is required to summon the person reported in order to design a therapeutic and social rehabilitation programme.

Section 122

(Law No. 162 of 26 June 1990, s.29(1))

Definition of the therapeutic and social rehabilitation programme

1. The public drug dependence service shall, after having carried out the necessary inquiries and having spoken to the person concerned, who may be assisted by his own physician who is authorized to be present while the inquiries are conducted, shall define a therapeutic and social rehabilitation programme tailored for the person which may, where the psychological and physical condition of the drug addict makes it possible, in conjunction with the centres referred to in s.114, and using the services of the social solidarity cooperatives and associations referred to in s.115, may include initiatives designed to bring about the full incorporation into society of the person concerned through counselling and vocational training, work of public utility or social solidarity. Under the programme, when it is recognized to be urgently necessary, the drug dependence service may also arrange for drug treatment therapies and psychological and pharmacological treatment as appropriate. The drug dependence service shall monitor the implementation of the programme on the part of the drug addict.

2. The programme shall be drafted in full respect for the dignity of the person taking due account at all events of the work and study requirements and the family and social living conditions of the patient.

3. The programme shall be implemented in the public service structures or rehabilitation structures registered with the regional or provincial Register, or alternatively with the assistance of a physician selected by the patient.

4. When the patient wishes to take a programme in one of the rehabilitation structures registered with the regional or provincial Register any of the structures in the national territory may be chosen, or any structure which is registered with the Registers pursuant to s.116(5), second sentence, which declares that it is in a position to host him.

5. The public drug dependence service which receives the information provided by s.121 or the measure referred to in Article 75(9) shall, within 10 days from the date of receiving notification or the aforementioned measure, define the therapeutic and social rehabilitation programme.

Section 123

(Law No. 162 of 26 June 1990, s.29(1))

Monitoring of the treatment when an offender's sentence has been suspended or when serving sentence

1. For all the persons whose treatment has been arranged while their prison term has been suspended, or when the enforcement has been suspended pursuant to the provisions of this Act, a report shall be forwarded to the local USL with jurisdiction for the territory at the request of the authority ordering the suspension, following a procedure to be defined by decree of the Minister of Health, jointly with the Minister of Justice, on progress with the programme, the conduct of the person concerned and the results obtained upon completion of the programme, in terms of the patient's having stopped taking the substances referred to in Tables I, II, III and IV of s.14.

Section 124

(Law No. 162 of 26 June 1990, s.29(1))

Drug-addicted workers

1. Workers who are ascertained to be drug addicts, and who intend to undergo therapeutic and rehabilitation programmes in the health-care services of the USL or other therapeutic and social welfare rehabilitation structures are entitled, where they are employed on a permanent basis, to leave to attend rehabilitation treatment and to return to their place of work at all events for a period of not more than three years.

2. Collective labour contracts and labour agreements for the civil service may lay down specific procedures for exercising the right referred to in subsection (1). Save where the contracts are more favourable, the absence for a long period in order to undergo therapeutic and rehabilitation treatment shall be considered from the statutory, pension and pay points of view equivalent to leave without pay by civil servants and their equivalent. Workers who are relatives of a drug addict may also be given leave upon request, and without pay, in order to take part in the therapeutic and social rehabilitation programme of their drug-dependent relative, whenever the drug dependant's service declares this to be necessary.

3. In order to replace the workers referred to in subsection (1), the employer may engage persons on a temporary basis pursuant to s.1(2)(b) of Law No. 230 of 18 April 1962. In the civil service, the fixed term contracts may not have a duration of more than one year.

4. The current provisions requiring specific psychological, and physical and attitudinal requirements for access to work, and those which apply to personnel of the armed forces and the police, the public security police, and the provisions of s.2 of Law No. 874 of 13 December 1986 governing suspension and dismissal from service, remained unchanged and unaffected.

Section 125

(Law No. 162 of 26 June 1990, s.29(1))

Ascertaining the absence of drug dependence

1. Members of categories of workers holding positions which involve a threat to security, and the physical safety and health of third parties, which are identified by decree of the Minister of Labour and Social Security, jointly with the Minister of Health, shall be required to undergo examination in public facilities within the ambit of the national health service, and at the expense of their employer to ensure that they are free of drug addiction before they are taken into service and subsequently at regular intervals.

2. The decree referred to in subsection (1) shall also establish the regularity and the procedures for these medical examinations.

3. In the event that a worker be found to be dependent upon drugs during the course of his work, the employer is required to order the worker to suspend all further activities which involve risks to security, physical safety and the health of third parties.

4. Failure to comply with the provisions of subsections (1) and (3) shall make the employer liable to a fine of between 10 million and 50 million lire.

Section 126

(Law No. 162 of 26 June 1990, s.31)

Supervision of a drug addict remanded on probation

1. During the period of remand on probation referred to in s.94 and in article 4-sexies of Decree Law No. 144 of 22 April 1985, enacted with amendments by Law No. 297 of 21 June 1985, the official responsible for the community may accompany, or have accompanied by a person enjoying his confidence, the drug addict outside the community when necessary or for urgent reasons relating to treatment or serious family reasons, immediately notifying the judicial authorities thereof.

PART XII

FINAL PROVISIONS

CHAPTER I

FINANCING PROJECTS. GRANTS

Section 127

(Law No. 162 of 26 June 1990, s.32(1) and (2))

National drug control intervention fund

1. At the Office of the Prime Minister the National Drug Control Intervention Fund shall be instituted in order to finance projects to pursue the objectives of this Act which shall be submitted by the Ministers of the Interior, Justice, Defence, Education and Health, with particular reference to projects in Southern Italy.

2. Projects designed for the prevention and rehabilitation of drug addiction may be financed from the fund indicated in subsection (1), if they are drafted by the municipalities mainly concerned with the expansion of drug taking, after submitting feasibility studies indicating the times, procedures and objectives it is intended to pursue in order to prevent drug dependence and rehabilitate drug addicts. Priority for funding projects will be given to municipalities in Southern Italy and those who intend to set up experimental preventive services locally.

3. A quota of at least 7 per cent of the funds referred to in subsection (11) shall be allocated to financing regional initiated projects to provide comprehensive training to public and private services working under conventions to provide social and health-care assistance to drug addicts, and also with regard to the problems relating to the treatment of HIV-positive drug addicts.

4. The financing of the project referred to in subsections (1) and (2) shall be ordered by the Prime Minister, by decree, after consultation with the national committee for coordinating drug control, pursuant to s.1.

5. The national committee for the coordination of drug control shall, at its first meeting, lay down the priorities relating to the prevention and rehabilitation of drug addicts, and for containing the phenomenon of acquired immune deficiency syndrome (AIDS) and shall lay down the criteria for distributing the funds and appraising projects, which shall take account of the following, inter alia:

(a) The urgency of the need for measures to be taken in high-risk situations;

(b) Intervention relating to the prevention and containment of the spread of HIV infections among drug addicts;

(c) The lack of structures suitable to combat drug taking, in the area of competence of each agency concerned;

(d) The need to train personnel with reference to the specific objectives proposed by the World Health Organization (Europe Region) and by the European Community.

6. In order to examine the projects, the Prime Minister shall issue a decree instituting a Commission chaired by an expert appointed by the Minister for Social Affairs or a Director-General at the office of the Prime Minister, and composed of seven experts in the field of the prevention and rehabilitation of drug addicts, in the health-care, pharmacological/toxicological, psychological, sociological, rehabilitation, education, and juridical sectors. This Commission shall be assisted by a secretarial office with an official belonging to a senior grade from the office of the Prime Minister. The administrations eligible for funding shall begin implementing their projects within three months of receiving the funds, notifying the office of the Prime Minister thereof. Failure to do so shall lead to the withdrawal of the funds, after consultation with the National Committee for the Coordination of Drug Control, which shall be redistributed to other eligible projects.

8. The administration shall also send a six-monthly report to the office of the Prime Minister on progress with the projects and the results obtained.

9. When a funded project encounters operational difficulties, the administration concerned shall, after receiving a favourable opinion from the National Committee for the Coordination of Drug Control, make any necessary variations to it, without affecting the amount of the funding agreed.

10. The expenditure required for operating the commission of experts and the secretarial office is put at 800 million lire per year as from 1990.

11. The cost of financing the projects referred to in ss.1 and 2 is put at 176,040 million lire for 1990, and 177,990 million lire as from 1991.

12. The organization of the National Committee for the Coordination of Drug Control shall be governed by Prime Ministerial decree. The committee may operate in two sections; for its operations it is required to comply with the provisions of the regulations referred to in s.7(3) of Law No. 400 of 23 August 1988.

Section 128

(Law No. 162 of 26 June 1990, s.32(1))

Grants

1. For the constitution, extension and acquisition of buildings to be used as therapeutic communities, the Executive Committee for Residential Building (CER), joined for the purpose by a representative of the Minister for Social Affairs, may issue a grant to the agencies referred to in s.115 in an amount which may fully cover the necessary expenditure.

2. The grant shall, following the procedures of the extraordinary programmes implemented by CER pursuant to s.3(1)(q) of Law No. 457 of 5 August 1978, imply a 10-year obligation to use the building as a therapeutic residential or day community for drug addicts, and shall require prior authorization for this work to be carried out.

3. Grants shall be distributed between the regions in proportion to the number of drug addicts being assisted in accordance with the data collected by the Permanent Monitoring Unit referred to in s.132, and at all events no less than 40 per cent shall be used for Southern Italy pursuant to s.1 of the Southern Italian Development Act, approved by Decree of the President of the Republic No. 218 of 6 March 1978.

4. The cost of implementing this section, put at 100 billion lire for each of the three years, 1990, 1991 and 1992, shall be paid by using the funds available from the Sezione Autonoma della Cassa Depositi e Prestiti, instituted pursuant to s.10 of Law No. 457 of 5 August 1978.

Section 129

(Law No. 162 of 26 June 1990, s.32)

Availability of facilities belonging to the State

1. Local authorities, USL, and private centres which are authorized and under contract, may be given buildings, structures and areas belonging to the public domain or the State, under a convention lasting at least 10 years, by decree of the Minister of Finance, issued jointly with the Minister for Social Affairs, so that they may be used as centres to treat and rehabilitate drug addicts, and to produce centres and houses to work with the rehabilitated drug addicts.

2. The agencies and centres referred to in s.1 may perform building and reconstruction work, restoration and maintenance operations in order to adapt the structures, using the grants available pursuant to s.128, and in compliance with the constraints imposed upon the properties.

3. The provisions of s.1(1), (4), (5) and (6), and of s.2 of Law No. 390 of 11 August 1986 shall apply to the agencies referred to in subsection (1).

Section 130

(Law No. 162 of 26 June 1990, s.32(1))

Availability of structures belonging to local authorities

1. The regions, the autonomous provinces, local government and their operational and ancillary agencies may provide, free of charge, the ancillary agencies referred to in s.115, even if they only possess the eligibility requirements referred to in article 116(2)(a) and (c), use of the buildings owned by them, on condition that they are used for the prevention, rehabilitation and re-insertion into the labour market of drug addicts, pursuant to the provisions of this Act.

2. The use of these buildings shall be governed by a special convention which shall establish the length, the modalities for controlling the use of the property, and the causes for terminating the contract, and shall also govern the ways in which authorization shall be given in order to make modifications or extensions to the property, using or otherwise the grants referred to in s.128.

Section 131

(Decree Law No. 144, of 22 April 1985 enacted with amendments as Law No. 297 of 21 June 1985, ss.1(1) and (2), Decree Law No. 103 of 1 April 1988, enacted with amendments as Law No. 176 of 1 June 1988, s.1(1-ter))

Grants for the rehabilitation and re-insertion of drug addicts. Report to Parliament

1. The Minister of the Interior may provide grants to support activities for the rehabilitation and social re-insertion of drug addicts.

2. The grants issued by the Minister of the Interior to volunteer associations, cooperatives and private individuals pursuant to s.132 shall be made through the local authority after jurisdiction over the territory until a new law is issued governing relations between volunteer associations and agencies working throughout the country in the field of the rehabilitation and social re-insertion of drug addicts.

3. Each year the Minister of the Interior shall submit a report to Parliament on the activities relating to the grants supplied to support the activities for preventive work and re-insertion of drug addicts.

Section 132

(Decree Law No. 144 of 22 April 1985, enacted with amendments as Law No. 279 of 21 June 1985, ss.1-bis (1), (2) (3) and (4), Decree-Law No. 103 of 1 April 1988 enacted with amendments as Law No. 176 of 1 June 1988, ss.1(1) and (2), Law No. 162 of 26 June 1990, ss.34(1) and (2))

Destination and criteria for distribution of the grants pursuant to s.131

1. The grants referred to in s.131 shall be given to municipalities, USL, and other agencies, volunteer associations, cooperatives and private individuals operating on a non-profit basis, and with the specific purposes referred to in s.131, who coordinate their work with the structures of the USL under specific conventions and which do not use any other types of intervention which do not comply with the right of drug addicts to self-determination, or with violent or coercive intervention which is contrary to the spirit and the letter of Italian law.

2. The grants referred to in s.131 shall be issued after it has been demonstrated that the services are being offered and the initiatives have been commenced, and with the favourable opinion of the local authorities having responsibility for the territory.

3. The persons referred to in subsection (1) are required to submit their balance sheets, which also contain the results obtained, to the grantor agency.

4. The grants shall be distributed according to the data supplied by the Permanent Monitoring Unit at the Ministry of the Interior and in accordance with the criteria and requisites laid down by a special commission set up at the office of the Prime Minister by Prime Ministerial Decree, and shall be chaired by the Minister for Social Affairs and be composed of one representative for each of the following ministries: Interior, Health, Justice, Labour and Social Security, and by the office of the Minister for Social Affairs, as well as three representatives of the regions and municipalities, respectively appointed by the Conference of Presidents of the Regions and by ANCI. According to the criteria and the requisites, the Commission shall put the proposal to the Minister of the Interior regarding the grants to be issued in reference to the applications submitted.

5. The grants for preventive and re-insertion work on behalf of drug addicts shall be funded from a specific appropriation of 50 billion lire for the years 1990, 1991, and 1992 and, for 1991, an appropriation of 19,200 million lire.

Section 133

(Decree-Law No. 144 of 22 April 1985, enacted with amendments as Law No. 297 of 21 June 1985, s.1-ter)

The autonomous provinces of Trent and Bolzano

1. The autonomous provinces of Trent and Bolzano shall, within the spheres of their competence, make provision for the funds for the purposes referred to in s.131 according to the procedures of their respective regulations.

Section 134

(Law No. 162 of 26 June 1990, s.35)

Projects for the employment of drug addicts

1. Forty per cent of the grants referred to in s.132 shall be used to fund projects for the employment of drug addicts who have completed their therapeutic programme and need to be reincorporated into the labour market.

2. The projects shall be drafted by the therapeutic communities and the cooperatives working for the insertion into the labour world, both individually and in cooperation with public and private corporations and with cooperatives, and in conjunction with the employment agencies, who may make proposals. The projects shall be submitted to the Ministry of Labour and Social Security which, within 60 days of receipt, shall express its opinion to the Commission on the feasibility and the financial and economic viability and the soundness of the project, with reference to the needs of the labour market. The projects may also comprise an initial training phase, and they may also create jobs in the form of a cooperative.

3. Having received the opinion of the Minister of Labour and Social Security, the Commission shall authorize the implementation of the project and shall advance the funding required.

Section 135

(Law No. 162 of 26 June 1990, s.36)

Programmes designed to prevent and treat AIDS

1. The Minister of Justice, acting jointly with the Ministers of Health and Social Affairs, shall approve one or more programmes designed for the prevention and treatment of AIDS, and the social and health-care treatment, rehabilitation and subsequent re-insertion of drug dependent prisoners.

2. The Minister of Justice may implement these programmes, using external structures if necessary, under specific conventions, both for offenders serving a prison term and for prisoners awaiting trial.

3. The Minister of Justice shall institute basic training and refresher courses for prison personnel.

4. The cost of implementing this section is put at 20,000 million lire for the years 1990, 1991 and 1992.

CHAPTER II

REPEALS

Section 136

(Law No. 162 of 26 June 1990, ss.32(1) and 38(1))

Repeals

1. Law No. 1041 of 22 October 1954 4/ is hereby repealed, except for s.1 relating to the Central Drugs Office, and articles 447 and 729 of the Criminal Code, and any other which may be in contrast with the provisions of this Act.

2. Ss.2, 8, 9, 75, 80, 80-bis, 82 and 83 of Law No. 685 of 22 December 1975 are hereby repealed.

3. Articles 227 and 228 of Legislative Decree No. 271 of 28 July 1989, making provision for the implementation, coordination and transitory regulations of the Code of Criminal Procedure are hereby repealed.

Done by the Minister

JERVOLINO RUSSO

Notes by the Secretariat

1/ E/NL.1976/13.

2/ E/NL.1985/55.

3/ E/NL.1976/13.

4/ E/NL.1954/144.